

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA,

- against -

04 Cr. 356 (AT)

MUSTAFA KAMEL MUSTAFA,
a/k/a Mostafa Kamel Mostafa,

Defendant.

-----X

**DEFENDANT MOSTAFA KAMEL MOSTAFA'S
MOTION FOR COMPASSIONATE RELEASE AND/OR REDUCTION IN SENTENCE**

APPENDIX

(Vol. 3 of 4)

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Attorneys for Defendant Mostafa Kamel Mostafa

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EX.05 8/14
FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Mosley
Unit: #

Reg. No. 67495-054
Date: Sept 22 - 2016

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, BP-229(13), **you must attempt to informally resolve your complaint** through your Correctional Counselor. Please follow the steps listed below: Re: Improving list of needed disability & maintenance items

1. State your complaint (single complaint or a reasonable number of closely related issues):

I was requested to provide a list of needed "disability" items and maintenance to carry out my important daily tasks reasonably safely. I was told by a note from legal department on December 2015 that I will be notified once a decision has been made. But after 10 months not even one item of it had been provided or decided! I am suffering badly injured regularly and going without many needed things and my mental & physical health are getting worse. Also my prosthetics are now not functional due to lack of maintenance items. And when I do remedy the regional & central offices are not giving the truth by ADX!
(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to BP-229(13) responses.))

2. State what resolution you expect:

Please provide all the listed items as soon as possible and if any item is not to be provided explain why and what is the alternate for me as a severely disabled with no hands in complete solitary. Showing video drawings, picture of how I can do your suggestions.

Inmate's Signature: [Signature]

Date: Sept 22 - 2016

Counselor's Signature: [Signature]

Date: 9-23-16

Department Involved: _____ Date Assigned: _____ Due Date: _____

Department's Response regarding Complaint: Medical is in the process of getting your prosthetics fixed. They have been in contact with Springfield and will be sending out pics for clarification on how to fix.
Handled internally.

Department Head Signature: _____ Date: _____
Unit Manager's Review: _____ Date: _____
Informally Resolved: _____ Date: _____

	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED	REMEDY CLERK
DATE	<u>9-20-16</u>	<u>9-23-16</u>	<u>9-30-16</u>	<u>9-30-16</u>	
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	

(78)

Reg Ignoring list of needed disability & maintenance items:

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Mistake K. Mostafa 67495-0524 H03 ADX Florence Colorado

LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Against the warden BP8 is not related to the complaint. I was asked by medical and legal Dept. to on Nov last year to provide a list of items needed for my disability and maintenance of my prosthetics and diabetic conditions and I did November 2015. It was for preventing body harm and protecting my prosthetics and my feet from cuts as I am diabetic, partially sighted and severely disabled with no hands. The list of items was also submitted with another list of request of suitable fitting separately.

This appeal is about the items on in the list: Soap pump, pots, food utensils, hair brush etc. But nothing but promises for a year now (similar situation in the 3 yrs before I was designated to ADX) now 4 yrs all together!

The absence of the items requested can never be by passed without causing body harm, damage of the prosthetics (as I try to use them for whatever they are damaged for) or simply to go without important things which compromise my health, safety hygiene or ability to do important legal and social work. And as of 9-29-16 as I am in full solitary under SAM this is but over cruel treatment to bully, degrade and physically and mentally torture. Please provide the items.

DATE

Part B- RESPONSE

Mentally Torturous

RECEIVED

SEP 30 2016

ADX AW Office

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 877973-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

A.292

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)

Ex-05 10/14
Disability list

79

BP-229 RESPONSE

Case Number: 877973-F1

Your Request for Administrative Remedy dated September 29, 2016, and received in this office on September 30, 2016, has been reviewed. You allege you provided a list of necessary items for your disability, maintenance of your prosthetics and diabetes (e.g. soap pump, pots, utensils, hair brush) but nothing has been provided. For relief, you request the items be provided as requested.

A review of the issue(s) raised in your Request for Administrative Remedy has been conducted. The results of the review reveal on April 26, 2016, a list of your requested items were reviewed and evaluated with your current living conditions by an occupational therapist. The occupational therapist recommended some assistive devices which have since been provided and include a bath mitt with a pouch for soap, increased time for water, cylindrical foam for better control of utensils and writing implement and a towel modified with loops. Other items which were not recommended included a brush, as independence with the institutional comb was demonstrated, paper clips, due to safety and security issues, and a Spork as independence was appropriate with use of standard issue utensils and prosthetics. In addition, your prosthetic is being sent for repair with the orthotics/prosthetist specialist at the United States Medical Center for Federal Prisoners Springfield, MO. Based on the above, you have received multiple items to assist with your activities of daily living. If you have further medical concerns, you are encouraged to submit a Request to Staff Member to further discuss your concerns.

Accordingly, your Request for Administrative Remedy is for informational purposes only. In the event you are not satisfied with the response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a BP-230(10) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.



Jack Fox, Complex Warden

10/27/16

Date

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Mostafa K. Mostafa

LAST NAME, FIRST, MIDDLE INITIAL

67425-SEA H03

REG. NO.

UNIT

AD8 Florence Colorado

INSTITUTION

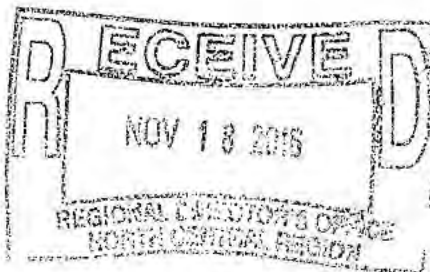
Part A - REASON FOR APPEAL

The answer provided is not accurate nor honest. Occupational therapist only stayed 20 minutes, never delt with a double upper amputee before (let alone in solitary with other complication like partially sighted... etc). The result is my prosthetics are now broken as I am trying to use them for what is not for them. My hygiene is badly compromised. all items he offered are not for no hand person but for elderly people who have weak grip or weak fingers. This dishonesty is against all my extradition agreement from England to here! It is also dangerous and illegal as I am not afforded a lawyer.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE



DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 877973-R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

A.294

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

EX-05 12/14
Disability list

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 877973-R1

This is in response to your Regional Administrative Remedy Appeal received on November 18, 2016. You allege you have not been provided the appropriate adaptive devices for your condition. For relief, you request to be provided with a hair brush.

We have reviewed the documentation related to your appeal. Based on this review, we concur with the manner in which the Warden addressed your concerns. You have consistently been provided appropriate medical care in accordance with Program Statement 6031.04, Patient Care. A review of your electronic medical record indicates you were evaluated by an Occupational Therapist on April 26, 2016. This evaluation was to determine if adjustments to your cell or adaptive devices were needed to assist with your activities of daily living (ADL). You have since been provided with the adaptive devices as recommended by the Occupational Therapist. You are encouraged to report to sick call if you feel your condition requires further evaluation or has changed. Given this, we shall defer diagnostic and treatment interventions to the local level.

Based on these findings, your request for Regional Administrative Remedy Appeal is denied.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

12/14/16
Date


Sara M. Revell, Regional Director

Still ignoring the list or
mentioning it!
No Direction to TORT or Rehabilitation Act

U.S. Department of Justice

Case 1:04-cr-00356-AT Document 518-3 Filed 12/15/25 Page 10 of 108

Federal Bureau of Prisons

Denial of items status on disability list

877973-A1

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mostafa K. Mostafa
LAST NAME, FIRST, MIDDLE INITIAL67495-054
REG. NO.H03
UNITADX Florence
Co. 81226
INSTITUTION

Part A - REASON FOR APPEAL

The answer provided is not true or fair or lawful. It shows that the investigator never saw or ask legal Dept about the items they asked me to provide. And the comment about such items of the needed things and disability items I requested from the hasty O.T. to comment about each item and show by sketch or drawing how can I do without it. He failed to do any of that. The very few items he suggested to use one not for double computer (some are for elderly with weak fingers) I hope to hand. Other items he recommended never work and harmful. Causing bleeding and abrasion and unhealed in my disability and endangering my health & safety. The denial of all any of the list is illegal and dangerous.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE



DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 877973-A1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

AGENCY OF RECIPIENT OF CENTRAL OFFICE APPEAL

UPN LVN



PRINTED ON RECYCLED PAPER

BP-231(13)
JUNE 2002

EX.05 ¹⁴/₁₄

Disability List

831

Administrative Remedy No. 877973-A1

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege you the disability items you have are not working, or are dangerous. In addition, you contend the items suggested for use are not for a double amputee. You request no specific relief.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review reveals on April 26, 2016, the Occupational Therapist wrote a detailed evaluation of your amputee status. They concluded you have the ability to complete your Activities of Daily Living using your current prosthetics and/or modified technique/adaptive equipment. Therefore, further intervention discussions relating to your adaptive devices will be deferred to Health Services staff at the local level. Your primary care team will continue to make recommendations as needed. As recommendations are made, a course of treatment will be determined.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

2/28/17
Date

CIO
Ian Connors, Administrator
National Inmate Appeals

→ No list mentioned
Nor Federal Tort Nor Rehab Act.

EX-15^{Att.1} Plaintiff's ~~Prosthetic~~ Stethics & Amputation 3/3

Figure 1
Amputation

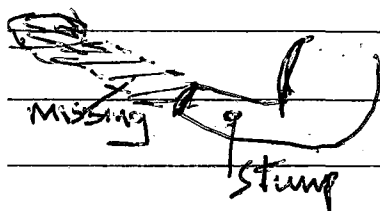


Fig. 2 Split Hook
Prosthetic not with proof

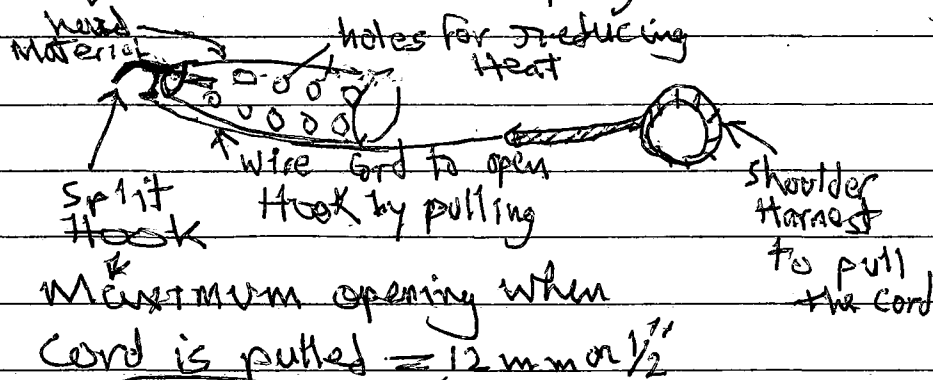
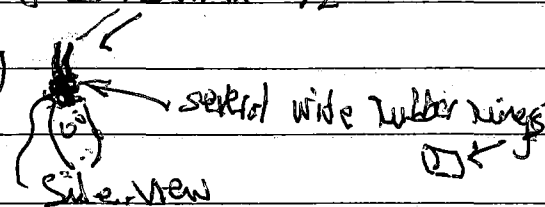
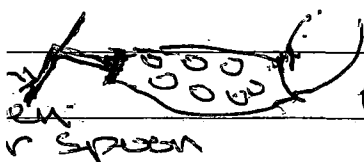


Fig. 3
Stump inside



(nonfrictionable items could fly out of its grip)

Dangers Can cut & injure Plaintiff body if used for unsuitable tasks (like to wear sock or clean). cannot be opened near the body because the cord will be relaxed & now

Notice ① Limited use & for short time as plaintiff has excessive over heating and sweating Hyperhidrosis and skin (stump abrasion & soreness)

② Can not get it wet as it smells & rust.

③ Does not reach rear back body to cleanse after toilet and it does not bend

Mechanism of Use:

① The Harness go to shoulder and to be stretched forward if need to split the hook to pick a pen or spoon

② once the object is between the 2 sides of the hook the shoulder relax the cord and the rubber rings contract back to its original size and close the hook on the object (pen/spoon)

800/351

FEDERAL CORRECTIONAL COMPLEX
 FLORENCE, COLORADO
 INFORMAL RESOLUTION FORM

216

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Msstafa Reg. No. 67495-034
 Unit: 1103 Date: 10-03-16

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below: Re: Broken prosthetic and Rubber for 0 thorn.

- State your complaint (single complaint or a reasonable number of closely related issues):
I reported that one of my prosthetics had now been broken, three weeks ago. One of the reasons for it to break is lack of maintenance, like rubber bands which I am having to get and repeatedly requesting even though I made reports and explained. Also, that the remedy officers are that they never asked for feedback. Every time I see what managers, they keep saying they should have been given to you long ago. Now, with all this response and saying my other prosthetic could break at any time.
 (If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page.
 You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to BP-229(13) responses.))

- State what resolution you expect: Please fix my broken prosthetic as soon as you can. Provide me with the rubber and rubber band to keep in use as they are lost and replaced otherwise. (I ask someone from facility to help me to do a small little task to the prosthetic to prevent further damage till the proper fix.)

Inmate's Signature: [Signature] Date: 10-03-16 (thanks)
 Counselor's Signature: [Signature] Date: 10-3-16
 Department Involved: _____ Date Assigned: _____ Due Date: _____

Department's Response regarding Complaint: This has been previously addressed on another remedy. You were told your prosthetic would be sent out for repair. After you were done with a detailed cop at the staff fixing it and explaining what you needed.

Department Head Signature: [Signature] Date: 10/2/16
 Unit Manager's Review: _____ Date: _____
 Informally Resolved: _____ Date: _____

	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED	REMEDY CLERK
DATE	7-23-16	10-4-16	10-12-16	10-13-16	
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

3/6 REQUEST FOR ADMINISTRATIVE REMEDY

Re: Broken prosthetic & rubber tool for others. 301

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Mostafa K. Mostafa 67495-054 1403 ADX Florence
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST the answer provide only a tiny part of the complaint. doesn't advise for any time frame to repair the broken prosthetic or to provide the maintaining items to prevent it from breaking first place. I've been asking for the prosthetics rubber and rubber tool since Dec 2015. I always ignored my request had even reached Central office nearly 5 wks. to date, I am still asking for the rubber tool & rubber rings to prevent more damage and other prosthetics problems but to no avail. I'm kind of dismissive responses are causing many worries & anxiety as I am unable in complete solitary with no help whatsoever. It does delay paperwork and causes many other problems in health, safety and hygiene and I will appreciate a speedy solution and proactive measures to prevent this problem from reoccurring. -12-16 DATE and to be flexible in providing help. SIGNATURE OF REQUESTER help (Thank)

Part B- RESPONSE

RECEIVED

OCT 14 2016

ADX AW Office

DATE

WARDEN OR REGIONAL DIRECTOR

satisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 30 calendar days of the date of this response.

FINAL: RETURN TO INMATE

CASE NUMBER: 879482-FI

CASE NUMBER: _____

Part C- RECEIPT

From: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

A.300

BP-229(13)
APRIL 1982



302

4/6

BP-229 RESPONSE

Case Number: 879482-F1

Your Request for Administrative Remedy dated October 12, 2016, and received in this office on October 14, 2016, has been reviewed. You allege you have been requesting repair of your prosthetic, rubber for the prosthetic and tools, to no avail. For relief, you request a time frame for prosthetic repair and a solution to your prosthetic concerns.

A review of the issue(s) raised in your Request for Administrative Remedy has been conducted. The results of the review revealed your request for multiple items was addressed in Administrative Remedy #877973. Your prosthetics were recently sent to the prosthetic/orthotic specialist at the United States Medical Center Springfield, MO for repair. Pictures of your prosthetics were provided prior to their shipment so the repair process could be shortened. The repairs will be completed as soon as possible and your prosthetics will be returned to you once they are received. If you have any concerns prior to the retrieval of your prosthetics, you are encouraged to submit a Request to Staff Member to address your concerns.

Accordingly, your Request for Administrative Remedy is for informational purposes only. In the event you are not satisfied with the response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a BP-230(10) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.



Jack Fox, Complex Warden

10/27/16

Date

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Broken Prosthetics & Rubber rings - tool -

303

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mastafa K. Mastafa

67495-54

103

ADX Florence
Colorado

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL

Important parts of the provided answers are not true. The left prosthetic has been returned without being fixed and all the rubber rings I sent it with were taken without replacement. I showed my Smithish, the head of department, how it is not to be used and without even the old rubber rings completely unusable and I wrote BPS about it 10 days ago still no answer or delt with. As for the right prosthetic it came with 4 new rubber cones and 4 loose cones but no rubber tool to fit them. Kindly one staff member hardly fitted 2 rings with his hands but twisted. The rubber rings and tool need to be always near by as maintenance and emergency all the time. Therefore the issue still need good attention 12-15-16. Not least when I have to do difficult tasks for my daily need which are unrecommended to do by the prosthetics but I am in solitary with no help or getting

Part B - RESPONSE

RECEIVED
DEC 29 2016
Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 879482-11

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

A.302

BP-231(13)

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mastafa K. Mastafa

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL

Important parts of the provided answers are not true. The left prosthetic has been returned without been fixed and all the rubber rings I sent it with were taken without replacement. I showed Mr Samikish, the head of department, how it is not to be used and without even the old rubber rings completely unusable and I wrote BPS about it 10 days ago still in unanswered or left with. As for the right prosthetic it came with 4 new rubber bands and 4 loose ones but no rubber tool to fit them. Kindly one staff member hardly fitted 2 rings with his hands but twisted. The rubber rings and tool need to be always near by as maintenance and emergency all the time. Therefore the issue still need good attention 12-15-16. Not least when I have to do difficult tasks for my daily need which are unrecommended to do but that prosthetic but I am in solitary with no help or getting

Part B - RESPONSE

RECEIVED

DEC 29 2016

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C - RECEIPT

CASE NUMBER:

Return to: LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

A-303

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-231(13)

~~Prosthetics~~ (219)

Administrative Remedy No. 879482-A1
Part B - Response

EX-H-B

This is in response to your Central Office Administrative Remedy Appeal wherein you allege your prosthetics were returned to you without the rubber rings, making them unusable. For relief, you request a review of this matter.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. As such, our succeeding review reveals no reason to elaborate further with similar conclusions as to those which have already been provided in the previous levels of this appeal.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

Exhausted

2/3/17
Date

Notice

IC
Ian Connors, Administrator
National Inmate Appeals (16)

Repeated dishonesty
Bad faith for "repenting"
Prosthetic offers & useless items offered for Mockery!

Attached sent And also again hand to Mr. ~~WINER~~ **WINER**
to: Medical (Disability) Dept. 12-13-2022 ← (171)
From: Mostafa # 67495-0544 H-511

Subject ①: Again Prosthetic Returned Unusable from Repair
Subject ②: No reply/contact from you since you send me
the three unusable items on 11-15-22!

I was given my U.K made prosthetic by nurse Heddstone
after been in repair for sometime.

However, I could not even enter my arm inside;
nor the harness cord provides sufficient length for
any maneuver to get in or any usage!

The Technician who took it for repair promised
to return it functional (not like 2013 repair failure).
But instead of placing a thin layer inside it he glued
a thick one which left no space for the arm stump.

And he should have come to provide the
adjustment for the length of the harness too.

I showed the evening nurse Mr. John, The Problem
and he said to write to you.
CAN YOU please, Help Soon?

Subject ②: Last month 11-15-22 you sent me
Again unusable almost Mockery Three
items: Hand manual clipper, very long thin
cylinder comb and similar brush which
I returned to you with a cap out with Mr.
Keeler (sis), he said he sent it & Emailed to
you. He also said he does not know why
he was given the items to pass on to me?

All the items are for people with hands.
You did not pass the illustrations/instructions.
You did not, to date come or even replied
to my 11/15/22 message. Please do.
Could you please address the above two
issues & provide information & solutions? Thank Respectful
12-13-22 J/m

209

Medical

EX-15-A

FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Mostafa K. Mostafa Reg. No.: 7495-054
Unit: H-511 Date: 5/23/22

NOTICE TO INMATE: Be advised, normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below:

1. State your complaint (single complaint or a reasonable number of closely related issues): I am repeatedly encountering issues of painful infections to the nails and faulty prosthetics. I recently was given antibiotics for that and also for my toe nail infections which is caused by improper toenail trimming, now toenails need to be removed. Both infections are dangerous to me and need to be addressed ASAP
(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits, as exhibits will not be returned with the BP-229(13) response.)

2. State what resolution you expect: I was advised by P.A. not to work with my stumps or use my prosthetics BUT I am disabled in Solitary! I need help, new type of prosthetics and a podiatrist to cure, remove the toe nails please ASAP

Inmate's Signature: [Signature] Date: 5/23/2022

Counselor's Signature: [Signature] Date: 5/24/22

Department Involved: Medical Date Assigned: 5/24/22 Due Date: 5/31/22

Department's Response regarding Complaint: These issues were addressed on 5/18/22. A consult was place for you to see the podiatrist. Your stumps were not infected and the provider mentioned you wear them longer than directed.

Department Head Signature: [Signature] Date: 5/31/22
Unit Manager's Review: [Signature] Date: 6/8/22
Informally Resolved: [Signature] Date: [Signature]

	BP-8 ISSUED to Inmate	BP-8 RETURNED to Counselor	BP-9 ISSUED to Inmate	BP-9 RETURNED to Counselor	REMEDY CLERK
DATE	<u>5/23/22</u>	<u>5/24/22</u>	<u>5/28/22</u>	<u>6/27/22</u>	
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	

Ex. 15-B

(210)

Plf. BP? appealing
and correcting difference between
bone infection & fresh infections
in this case

And that he has no choice in
solitary but to wear & work with
the available prostheses! ~

EX. 26 - C

265

Administrative Remedy No. 862521-A1
Part B - Response


This is in response to your Central Office Administrative Remedy Appeal, wherein you to be provided with access to an Imam to meet your religious needs.

We have reviewed the documentation related to your appeal and, based on the information gathered, concur with the manner in which the Warden and Regional Director addressed your concerns. Program Statement 5360.09, Religious Beliefs and Practices, states the Bureau of Prisons provides inmates of all faith groups with reasonable and equitable opportunities to pursue religious beliefs and practices, consistent with the security and orderly running of the institution and the Bureau of Prisons. Our office contacted Chaplaincy Services staff at your institution and was advised they are currently working with Chaplaincy Services at another institution to have their Imam provide services to the Muslim faith group at your institution. Due to the location of the facility, it has been proven to be difficult to recruit Islamic religious volunteers and/or contractors, including an Imam. The Chaplaincy Services Department at FCC Florence has made numerous attempts and continues to make great efforts to actively recruit the services of an Imam.

We encourage you to continue working with the institution Chaplaincy Services Department staff to address any religious needs you may have.

Accordingly, this response is for informational purposes only.

8/24/17
Date


Ian Connors, Administrator
National Inmate Appeals

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

EX-15-B

211

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Mostafa K. Mostafa 67#95-054 1A ADX CO.
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Respectfully, This answer is ~~not~~ accurate as:

- 1- The bone was not infected but my stump flesh was and swelling and the white substance was fasciitis, redness and pain too.
 - 2- The provided 2 weeks antibiotics did not work and would not be renewed as P.A. said and no treatment or solution to date!
 - 3- The advice by P.A. Soriswicky not to wear my prosthetics is not practical as I am in solitary with no help. And that I only wear them for short time already to avoid infection & over heats!
 - 4- I had to wait many weeks till the swelling receded and I could wear the prosthetics to reply to this remedy. I need new type prosthetic properly. And all due to dangerous bad foot care.
 - 5- Toe and toes infection not treated yet and I can't walk.
- 06-21-2022 Since ADX Stopped podiatrist 2015

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 1126017A

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

A.309

RECIPIENT'S SIGNATURE (STAFF MEMBER)

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Be broken teeth and no prevention of similar future injuries.

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:

Moshkova, R. Moshkova

67495-054

*ADX Florence
Colorado*

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A- INMATE REQUEST

The answer ignores many facts and provides no solution to the ongoing problems. Such as the broken tooth had split to 2 halves as I was opening a bean can using my teeth as I do since I was extruded Oct 2012. I lost 3 teeth since all my dental work done in England without any replacement or plan to do so that I am opening similar items nearly every day as I am severely disabled with no end in complete solitary with no help. Because of the 5A part 1 there is no plan to avoid more broken teeth as BOP refusing to allow me help or rep. I was told by the dentist on 11-16-16 there are two more loose back teeth and one could be fixed if you was not in BOP as BOP policy doesn't allow dental work except implant, bridges, crowns, capping etc which I would have no problem to do outside when I offered to pay it was not allowed! The only solution would be offered in an is to yet remove many more teeth to do a "venture" which I can't ever use as we no funds and its dangerous and excluded in England to prevent chocking and infection told the same by dentists in WCC New York and medical center in Missouri Springfield. A new NO. 99 on the list and since Oct 2015, and even if I was taken tomorrow the above are the only options; which are increasing my disabilities and worsening my conditions! please, allow me help in opening my keys and allow me dental work including implant, bridges crowns etc.

SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED

SEP 23 2016

ADX AW Office

Exhibit 58 A1109 Page 3/10

DATE

WARDEN OR REGIONAL DIRECTOR

Satisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

877295-F1

CASE NUMBER:

Part C- RECEIPT

To:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

By:

DATE

A.310

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Department of Justice

Case 1:20-cv-00356-AT Document 119-23 Filed 07/22/21 Page 25 of 103

Bureau of Prisons

Loss of teeth & no prevention or relief 87-7295 R1

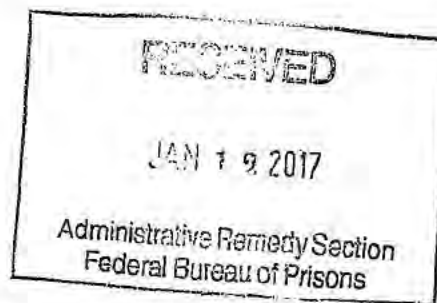
Use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments, must be submitted with this appeal.

Mostafa K. Mostafa 67495-254 H03 ~~FLX Florence~~ Colorado
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

REASON FOR APPEAL This answer doesn't provide any prevention for the loss of my teeth while trying to open food packages to eat, nor does it provide any relief. I have 4 teeth. Since my extradition to US 2012 and all dental work I had become I am Coerced to use my teeth to open food packages as I am disabled (no hands) and in complete pain since 2012 with no help to open food sealed packages. I am not allowed to do any dental work such as: crowns, caps, implants or provide essential items such as: electric toothbrush, water flossing and all their recommendations are trashed. My denture can not be for me as I have no hands, I can't put it on or off or clean it or clean the gums! 1-16 you are using the SRM to destroy my health and Coerce me to harm my teeth.

DATE 1-16 SIGNATURE OF REQUESTER *[Signature]*

RESPONSE

Exhibit 15 ^{A103} page 5/10~~Exhibit 08 page 5~~

DATE

GENERAL COUNSEL

MAIL: RETURN TO INMATE

CASE NUMBER: 877295

RECEIPT

CASE NUMBER:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

DATE

SIGNATURE OF REQUESTER OF CENTRAL OFFICE APPEAL



DO NOT SIGN OR WRITE ON BACK

BP-231(13)
11 MAR 2010

(Exhibit 15A) - page 4 of 11
Hygiene



**UTILIZATION REVIEW COMMITTEE
INMATE NOTIFICATION LETTER
FCC FLORENCE
Camp/FCI/USP/ADX**

Name: Mostafa, Karmel
Reg. Number : 67495-054

Date: 3/1/17
Using Unit: HOS-511

Requested Consult/Procedure

- | | | | |
|--|--------------------------------------|--|--|
| <input type="checkbox"/> General Surgery | <input type="checkbox"/> Orthopedics | <input type="checkbox"/> Gastroenterology | <input type="checkbox"/> Ear, Nose, and Throat |
| <input type="checkbox"/> Ophthalmology | <input type="checkbox"/> Prosthetics | <input type="checkbox"/> Colonoscopy and/or EGD | <input type="checkbox"/> Oral Surgery |
| <input type="checkbox"/> MRI | <input type="checkbox"/> CT Scan | <input type="checkbox"/> Cardiology | <input type="checkbox"/> Urology |
| <input type="checkbox"/> Radiology | <input type="checkbox"/> Nephrology | <input checked="" type="checkbox"/> Other: <u>electric toothbrush / hole punch</u> | |

Utilization Review Committee Decision

- ☐ The committee has referred your case to the Regional Office for final approval.
You should be notified of your status within the next two months.
- ☐ The committee has APPROVED this request without modification.
- ☐ The committee has DENIED this request.
- ☐ You will be scheduled for further evaluation by a staff physician.
 - ☐ You will be scheduled for further evaluation by a mid-level provider.
 - ☐ You need to follow-up in sick call with any further issues.
 - ☐ You will be referred to a specialty consultant.
 - ☐ Your procedure is contraindicated due to unacceptable risk.
 - ☐ You have been placed on the waiting list for:
 - ☒ Other: Not approved for electric toothbrush

****Re-submission of the request will be considered if medically indicated.**

Physician

MAR 01 2017

Copy Sent or Issued to Inmate On: _____
Copy Scanned Into BEMR

Form Last Updated: 11.19.10.TM

42
A.312

(Exhibit 5) Page 4
10

281
page
64

Administrative Remedy No. 877295-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you assert your teeth have decayed as a result of using them to open food packaging. You contend Bureau of Prisons dentists are limited in the treatment they provide and oral hygiene items are unavailable. You request no specific relief.

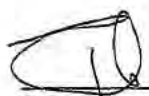
We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review of your medical record reveals on November 21, 2016, you were seen for a treatment plan examination. The dentist indicated you had five teeth that required fillings and four other teeth that were recommended for extraction. You have had routine dental treatment appointments on December 23, 2016, and January 6, 2017, to address the diagnosed problems. On January 6, 2017, you requested not to have the four teeth extracted.

Should you re-consider the extractions, you are encouraged to contact the dentist to continue your care. At that time, you also may discuss the limitations of different tooth replacement treatments, your nutritional concerns, and functional limitations due to your disability.

The record reflects you have received dental/medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical/dental treatment so Health Services staff can continue to provide essential care and to contact dental/medical personnel through normal sick call procedures should your health condition change.

Considering the foregoing, this response is provided for informational purposes only.

3/6/17
Date



Ian Connors, Administrator
National Inmate Appeals

66

COVID

SIS please scan, return and send to Medical Dept, Kitchen
To: 2nd: Whom it May Concern 5/4/2020
including Medical Dept, Kitchen, Dietician and Warden

From: I/M Mustafa # 67495-054 Unit H-Cell 511

Subject: Unmanageable Safety & Hygiene issues in present Food Trays

- 1- I am severely disabled (no hands and vision impaired) and recently in Feb 2020 was assigned to a Therapy Diet and signed permission to open, in kitchen, my ~~1054E~~ food items.
- 2- However, since then multiple unmanageable safety and hygiene developed make it very difficult, unsafe to handle or reach the food or consumed it.
- 3- For example (but not limited to):
 - (a) Some items are not always opened and I still have to use my stumps and teeth
 - (b) even worse most opened items are only partially opened and fluids, oil and content all mixed in the styro tray. make everything untouchable without dirting / clothes, cell, body and destroying the food itself
 - (c) Over heated hot trays (at least 3x weekly) fragments parts of the trays to all size sharp razor parts I can feel some in my mouth but not all (this issue is persistent "I made many remedy")
 - (d) When I ask for safer tray many times I do not get and have to go without food.

Request: As all above, and I am now in "Therapist diet"
Could you please get me my disability plates and tray and put the food in from kitchen!

And, as for now, Temporary Measure to open all the food and place it inside a standard kitchen hand tray (no plastic or papers) until a decision is made about my disability. I am again becoming fearful and phobic of such dangerous difficult issues. Respectfully, ~~Mustafa~~

(Urgent Case)
See Attached

FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Mostafa K. Mostafa Reg. No.: 67495-054
Unit: _____ Date: Wed 6-24-20

NOTICE TO INMATE: Be advised, normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below:

- COVID 19, Kitchen Persistent Misconduct endangering my life!
1. State your complaint (single complaint or a reasonable number of closely related issues):
I am severely disabled, no hands and very abraded front teeth forced persistently to open food items (unopened or partially opened) by using my front teeth for many years to date. Kitchen refusal to open properly food items is now in COVID 19 time is illegal & further
(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits, as exhibits will not be returned with the BP-229(13) response.)
 2. State what resolution you expect: As recommended by regional office in 'Therapeutic Diet' please provide all food out of any pouches, plastic or closed containers and stop using my disability to endanger/harm

Inmate's Signature: [Signature] Date: 6-24-20
Counselor's Signature: [Signature] Date: 6/24/2020
Department Involved: _____ Date Assigned: _____ Due Date: _____

Department's Response regarding Complaint: No response

Department Head Signature: _____ Date: _____
Unit Manager's Review: _____ Date: _____
Informally Resolved: _____ Date: _____

	BP-8 ISSUED to Inmate	BP-8 RETURNED to Counselor	BP-9 ISSUED to Inmate	BP-9 RETURNED to Counselor	REMEDY CLERK
DATE	<u>6/24/2020</u>	<u>6/24/2020</u>	<u>7/2/2020</u>		<u>7/18/20</u>
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		<u>CC</u>

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

COVID19 Kitchen

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Mostafa K. Mostafa 67485-254 H ADX CM
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

This is an answer to avoid liability while still exposing me to the harm of Covid-19. As in the BP9 and the cap and attached, I am severely disabled (no hands and no vision) I have most of the underlying endangering sickness and in complete solitary confinement 24-7.

Despite kitchen manager assurances to open all packages and plastics fully, including this staff meal, I am provided with only some items of food open, other not open or only partially open, and do not have opener but my teeth to get the food out. This is very dangerous in Covid-19 time; all food items and Kasher trays are physically handled by staff gloves while touching every body and things. Please for 7-5-2020 empty the food in disability trash.

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 1032022-11

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

A.316

RECIPIENT'S SIGNATURE (STAFF MEMBER)



BP-229 Response

Case Number: 1032022-F1

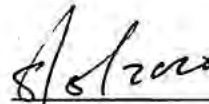
Your Request for Administrative Remedy dated July 5, 2020, and received in the Administrative Remedy office July 8, 2020, has been reviewed. Specifically, you claim Food Service is not opening your food packages. As relief, you request for food to be emptied into a disability utensil.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed Food Service is following the Certified diet menu and also the therapeutic diet order written by the Health Services department. The diet order states, all prepackaged religious food will be opened by food service workers in a certified diet kitchen and placed into easy access tray containers. Food Service is following this diet order.

Accordingly, this response to your Request for Administrative Remedy is for informational purposes only. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response. You will need to submit a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.



B. True, Complex Warden



Date



**U.S. Department of Justice
Federal Bureau of Prisons**

Federal Correctional Complex
Florence, Colorado


- ☒ *Administrative Maximum Security Institution*
- ☐ *High Security Institution*
- ☐ *Medium Security Institution*
- ☐ *Minimum Security Institution*

Food Service Department

Florence, CO 81226

June 9, 2021

MEMORANDUM FOR: FCC FLORENCE FOOD SERVICE STAFF

From: 
P. Kipriadis – Complex Food Service Administrator

Subject: Food Preparation for Inmate Mostafa #67495-054

Per the email(s) sent out on May 11, 2021 and June 8, 2021 to all ADX Food Service staff, there are updated feeding procedures for Inmate Mostafa #67495-054. This memorandum serves as official notification that may be held on file until further notice, of the following food preparation requirements:

- All food items, including the contents of halal certified religious meals, must be removed from packaging and placed in a covered hard teal tray. This tray must be specifically marked as Inmate Mostafa's meal.
- Other packaged food items such as tuna, sardines, etc. must also be opened and placed in the hard food tray.
- All applicable fruit (i.e., oranges and bananas) must be peeled and placed in the hard food tray. Apples shall be cut in half.

Inmate Mostafa is aware of and agrees with these changes in the preparation of his meals.

If there are any questions, comments or concerns regarding these accommodations, please reach out to any Food Service Administration at any time.

Thank You.

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Mostafa Kamel Mostafa 67495054 H ADX: CO.
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

The answer is general and not true. And can easily be proven by Camera Footage even today Aug 13. I am only provided One styro paper tray for the food which contains many items all packed in plastic. Jelly, butter, Bread, 3x week Fish pouches, one pologne once or twice Peanut butter, Salad Creams, mustard and salt, pepper, coffee, burrage sachets. The only item Kitchen opens and place in another reasion container is milk put in paper cups. But As Retaliation, for my request all other items are either never opened or opened in a way that I cannot get the food out and have to complete the open by teeth. 8-13-20 (Covid-19) hazardous. Certainly never placed in any other place most of the time. all the food oiled / mixed unusable

DATE SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 1032022-RP

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

A.319

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 1032022-R2

This is in response to your Regional Administrative Remedy Appeal received in this office on September 14, 2020 in which you claim that Food Service is not opening all of your food packages. As relief, you request that Food Service open all of your food items as written in your diet order.

The information presented in your Regional Administrative Remedy Appeal and the Warden's response was reviewed. The response provided to you by the Warden adequately addresses your concerns regarding this issue. The Food Service department at your institution is following your diet order. We find no deviation from your order or agency policy.

Based on the above information, this response to your Regional Administrative Remedy Appeal is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

10/13/20
Date

B. Krueger
J.E. Krueger, Regional Director

RECEIVED

OCT 26 2020

ADX AW Office

FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Mostafa K. Mostafa Reg. No.: 67495051
Unit: H Date: 8/19/20

NOTICE TO INMATE: Be advised, normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below:

1. State your complaint (single complaint or a reasonable number of closely related issues):

SAM conditions is unsafe in corridor with my solitary conditions are very dangerous. I would be conditionally one very dangerous physically & emotionally psychologically.
(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits, as exhibits will not be returned with the BP-229(13) response.)

2. State what resolution you expect:

SAM to be lifted and on adjusted to normal social conditions for medical and social

Inmate's Signature: [Signature] Date: 8/19/20

Counselor's Signature: [Signature] Date: 8/19/20

Department Involved: _____ Date Assigned: _____ Due Date: _____

Department's Response regarding Complaint: You are not placed on an SAM by the BOP. This is done by an outside agency. The BOP only houses you according to your SAM. This can not be handled at this level.

Department Head Signature: _____ Date: _____
Unit Manager's Review: [Signature] Date: 8/19/20
Informally Resolved: _____ Date: _____

	BP-8 ISSUED to Inmate	BP-8 RETURNED to Counselor	BP-9 ISSUED to Inmate	BP-9 RETURNED to Counselor	REMEDY CLERK
DATE	<u>8/19/20</u>	<u>8/19/20</u>	<u>8/19/20</u>	<u>8/25/20</u>	<u>8/21/20</u>
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

of 69

REQUEST FOR ADMINISTRATIVE REMEDY

CO, D-19 & Designation

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: M. Mostafa K. Mostafa 67495-074 H ADX Co.
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

The typed answer (attached) Does not address my extreme vulnerability to Covid-19 as severely disabled in solitary and have almost all the underlying hazardous health conditions all recorded. And that it will be already too late once I catch the virus!

The provided medical advice is wrong 3/20/20 and unscientific. Designation should be changed.

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

Received

AUG 25 2020

Admin Remedy Office

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 1043331-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



A.322

BP-229(13)
APRIL 1982

FEDERAL CORRECTIONAL COMPLEX
 FLORENCE, COLORADO
 INFORMAL RESOLUTION FORM

Notice to Inmate: Inmates have the responsibility to use this Program in Good Faith and in an Honest and Straightforward manner.

Inmate Name: Mastafa, Y. Mastafa Reg. No.: 2-7445-0561
 Unit: 11 Date: 8-19-20

NOTICE TO INMATE: Be advised, normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below:

1. State your complaint (single complaint or a reasonable number of closely related issues):
Designation to ADX not suitable for Covid-19
as I have all the symptoms and underlying
Covid-19 issues and disabled in staying
in the prison for the last 19
in the prison for the last 19

(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits, as exhibits will not be returned with the BP-229(13) response.)

2. State what resolution you expect: I would like ADX Designat
-ion to be changed

Inmate's Signature: [Signature] Date: 8-19-20

Counselor's Signature: [Signature] Date: 8-19-20

Department Involved: _____ Date Assigned: _____ Due Date: _____

Department's Response regarding Complaint: See attached response on back
of page


Department Head Signature: [Signature] Date: 8/20/20
 Unit Manager's Review: [Signature] Date: _____
 Informally Resolved: _____ Date: _____

	BP-8 ISSUED to Inmate	BP-8 RETURNED to Counselor	BP-9 ISSUED to Inmate	BP-9 RETURNED to Counselor	REMEDY CLERK
DATE	8/13/20	8/19/20	8/20/20	8/25/20	8-25-20
TIME					
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

Answer to 8/8

8/15/20

Your placement at the ADX is deemed appropriate at this time. The ADX currently does not have any cases of COVID-19. In the event you develop symptoms, please notify staff promptly to conduct an assessment. Health services follows guidelines provided by the CDC and will manage your condition and symptoms appropriately based on guidelines.

 8/20/20

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

of 69

REQUEST FOR ADMINISTRATIVE REMEDY

CE-19-19 And 5A1 1 38 attached

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:

Moskoff, K. Moskoff

67495-054

17

ADX-CO

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A- INMATE REQUEST

The answer is too general and does not address my health and safety under SAMs confinement in covid-19 dangerous time. My disability and underlying multiple hazardous to covid-19 are well documented and simply mean that SAM isolation imposed is a de-facto of Death sentence 8-20-20 illegal and immoral by ADX and SAMs

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

Received
AUG 25 2020
Admin Remedy Office

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 104541-171

CASE NUMBER:

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



A.325

BP-229(13)
APRIL 1982

BP-229 RESPONSE

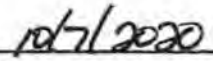
Case Number: 1043331-F1

Your Request for Administrative Remedy dated August 20, 2020, and received in the Administrative Remedy office August 25, 2020, has been reviewed. Specifically, you state that your underlying health conditions combined with COVID-19, your housing assignment, and the Special Administrative Measures imposed against you, places you at risk of death. You do not request a specific form of relief.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed this issue was addressed via Administrative Remedy Number 1043247-F1. You have provided no new information that warrants further review.

Accordingly, your Request for Administrative Remedy is closed as repetitive. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of this response by submitting a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.


B. True, Complex Warden


Date

BP-229 RESPONSE


Case Number: 1043247-F1

Your Request for Administrative Remedy dated August 20, 2020, and received in the Administrative Remedy office August 25, 2020, has been reviewed. Specifically, you state that your underlying health conditions combined with COVID-19, your housing assignment, and the Special Administrative Measures (SAM) imposed against you, place you at risk of death. You do not request a specific form of relief.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The result of the review revealed that the SAM has been appropriately imposed against you. Further, you are appropriately housed and are managed in accordance with Institution Supplement 5321.07(3)(J), Special Security Unit (H-Unit). Your housing assignment is based on security and custody needs and in accordance with Program Statement 5100.08, Security Designation and Custody Classification Manual. Finally, The Bureau of Prisons is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting COVID-19, does not currently warrant a change in your housing assignment.

Accordingly, this response to your Request for Administrative Remedy is for informational purposes only. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of this response by submitting a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.


B. True, Complex Warden


Date



United States Government

memorandum

United States Penitentiary
Administrative Maximum
Florence, Colorado 81226

3/9

te: August 20, 2018
om: *A. Oliver*
A. Oliver, Language Specialist
: Mostafa, Kamel #86552-083
BJECT: **Rejection of Outgoing Letter, Inmate Mostafa, K. #67495-054**

The attached letter marked by SIS staff as 18-043-006-O has been denied by the FBI due to unapproved third-party communications. In the letter, you tell your family to not tell a third party that you love and miss him because it is against the rules. This statement is considered to be a violation of the SAM, encouraging your family to relay a message to other people who not currently on your approved list of authorized contacts.

The letter is being returned to you.

Received Wed 8-22-18

173

Cell 511



**U.S. Department of Justice
Federal Bureau of Prisons**

Federal Correctional Complex
Florence, Colorado

- ☒ *Administrative Maximum Security Institution*
- ☐ *High Security Institution*
- ☐ *Medium Security Institution*
- ☐ *Minimum Security Institution*

January 26, 2021

MEMORANDUM FOR: ALL CONCERNED

FROM: B. True, Complex Warden

SUBJECT: Inmate Mostafa, Kamel Reg. No. 67495-054

Effective with the issuance of this memorandum, inmate Mostafa, Kamel Reg. No. 67495-054, will not be required to be rotate cells every 90 days while housed in H-Unit.

Until such time as another cell can be adapted to accommodate his specific medical requirements, Mostafa will remain in cell 511. However, the cell and all personal property will be thoroughly searched, at a minimum of once every thirty days.

Cell sanitation will be maintained and all contraband must be controlled. Staff will provide Mostafa with adequate supplies to ensure he is able to keep the cell clean and complies with institutional sanitation requirements. At no time will Mostafa be allowed to accumulate excessive or unauthorized property. If there is a question in regards as to what is authorized property, staff will consult the Operations Lieutenant, Unit Team, and/or Health Services staff to determine if it is allowable.

192

U.S. Department of Justice

Ex-01361

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

COVID - Kitchen

4 of 4

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Meston - K. Meston 67495-054 H1 ADX-Co.
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Unfortunately, again Regional office is not well informed about the reality. Nor addressed the issue that the Diet is very clear that Food should be opened, free from any plastic and replaced in any eat containers; as it is dangerous otherwise for me. Till now, most of the items are only partially opened and not replaced in any eat containers.

Such is still compelling me to use my already very abraded teeth to open or complete the open. And now, is very hazardous in Covid-19 time; as I am in solitary, disabled and deprived from help and disability items. 11-02-20 to open pouches or clean.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED
NOV 16 2020
Administrative Services
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1032022-AI

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

A.330

44
BP-231(13)
JUNE 2002

193

Ex. 13-C2

COVID - Kitchen

Central office reply to memo
- Compliance with food diet notes
and hazardous to COVID
Using teeth to open packages

(even after the reply Kitchen &
most staff never complied)!

EX-13 C2

Food

Tray & COVID

Administrative Remedy Number 1005228-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal where you raise issues regarding food trays and how your meals are delivered to you at the ADX. You state your meals are to be opened and the food items placed in different containers, and this does not happen. You claim some of the containers are only partially opened and you have to use your teeth to open them. You also claim the food items are mixed with each other, making some of your food messy, slippery and unusable." You request the rules be followed regarding your meal trays.

A review of your appeals reveals, due to your physical limitations, you have a Medical Duty Order from the Health Services Department in regards to your meals. Specifically, all packaged religious diet food will be opened by Food Service workers in a certified foods kitchen, and placed into easy access containers. This office has confirmed that staff at the ADX are aware of this accommodation. If this is not occurring or you encounter other issues with a specific food tray, it is suggested you advise staff at that time, so the matter can be immediately addressed and/or the food tray exchanged if necessary.

This response is provided for informational purposes.

Date

10/22/20

IC
Ian Connors, Administrator
National Inmate Appeals

195

(EX. 13 D)

Re: Food in fragmented food trays
as in 9/20/2020

→ No Compliance with Door note
Jan 23, 2020

→ Threats & issue Tickets against pff
if he asks for help or to
record the violation in food

→ Example of punishment ticket
by Deft Lewis & Deft Norgans

Urgent food safety matters persist

an, RECEIVED 10/6

To Kitchen Manger
FROM Mostafa #67495-054 (Disable)

Tue 9/22/20

COPY

✓ Hello, as you are aware of the medical notes
✓ I stuck to my door about the format of my diet.
✓ All Prepackage food should be removed from Plastics
and placed in other easy safe container.

However, The hot food Kosher Tray is
now one of the still most dangerous items
not removed from its hard plastic tray
and also, provided covered with another
2 layers of plastics. Which very difficult
to negotiate safely.

Further more, and even worse when it
is over heated it does fragment into different
sizes sharp ~~sharp~~ plastics and mixed with the
food. And when I ask the officer to replace
it they refused to comply with the note on
the door. much worse some, like 9/20/20
afternoon watch try to excuse me of twisting and
fragmenting the tray and when I push the
buzzer button to get help or get the tray filmed
by Unit Camera they gave me a ticket as
→ punishment! And I always then loose Meals.
→ I done many Complaints and requests before.
→ Requested Urgently

Could you please, until I am approved with my utensil
for disability. Could you please comply with the medical
note and place the hot food tray content inside
another container without any plastics or fragments
- thank you - A.334 Respectfully I/M 1/2/23

Exhibit 95. #8 10/11 pay 55A
276

BP-229 Response


Case Number: 1024696-F1

(Fully Exhausted Remedy) no relief

Your Request for Administrative Remedy dated May 29, 2020, and received in the Administrative Remedy office on June 4, 2020, has been reviewed. Specifically, you are appealing the denial of your placement into Phase III.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed that outside law enforcement agencies did not consent with approving your Phase III placement. You were denied placement into Phase III because additional time is needed to determine whether you can function with additional privileges without posing a risk to institutional security and good order; posing a risk to the safety and security of staff, inmates, or others, including yourself; and/or posing a risk to public safety. We encourage you to continue to participate in and complete all programs recommended by Unit Team; demonstrate positive behavior, including respectful and appropriate conduct towards staff and other inmates; and demonstrate an overall positive institutional adjustment to include, but not limited to, personal hygiene, and cell sanitation. You will be reviewed for placement in the next phase, ordinarily six months from your current review, providing you continue to meet the eligibility requirements identified in Institution Supplement 5321.07(3)K, Special Security Unit.

Accordingly, your Request for Administrative Remedy is denied. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.


B. True, Complex Warden

7/2/2020
Date

Requested to compete
with able inmates
without help or tools

55A
A.335

U.S. Department of Justice

Federal Bureau of Prisons

Type of use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Mostafa K. Mostafa 67495-054 H ADX EO

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL

Respectfully to avoid repeat and save space, I reserve and incorporate all issues raised in my BP 8 & BP 9 and elaborate following:

- (1) - The reason for foot infection was wrongly overruling the 2013 Regional office decision to be trimmed by podiatrist every 6 weeks and should be restored now to avoid repeat.
- (2) - The reason for arm/stumps infection is the faulty prosthetics provided in 2013. Accordingly, making similar one is not the solution, let alone without supervision closely by specialized in double upper amputee Occupational therapist.
- (3) - See the contradictions of the medical reports saying "he is not use his prosthetics enough". Then later: "he should not use over 8-8-22 use them". All provided things are not for my disability type.

DATE: _____ SIGNATURE OF REQUESTER: _____

Part B - RESPONSE

DATE: _____ REGIONAL DIRECTOR: _____

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 1126017 R

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____ LAST NAME, FIRST, MIDDLE INITIAL _____ REG. NO. _____ UNIT _____ INSTITUTION _____

SUBJECT: _____

DATE: _____ SIGNATURE, RECIPIENT OF REGIONAL APPEAL: _____

A.336

Medical Dept.

June
Thursday 30-16Mustafa #67495-054 Unit #
Kamel

Re: Multiple charging for Chronical Conditions

I have been charged for Toe nails Chipping and other Chronical Conditions more than 7 times. I wrote to legal dept. for correction and refund but they said it has to be through your dept.

Please, stop charging for any Chronical or disability related matters and refund the sum.

(thanks)

United States Penitentiary
Administrative Maximum (ADX)
Health Services Department
5880 State Highway 67 South
Florence, CO 81226

Y. Fetterhoff, MRAS (ADX)
Florence Correctional Complex
Florence, CO 81226

Also, answer my request 3 wks ago to obtain my medical records including Occupational Therapist Draft report and final one too (thanks)

per the co-pay policy, everytime you request to be seen by medical regardless for what (to include chronic issues and conditions), you will be charged a co-pay. Only Health Services initiated encounters will not be charged a co-pay. Since you have been at the ADX, you have been charged a co-pay 3 times, not 7.

UF
No refunds will be given back to you.

A.337



2
↑

Squeeze Only

The biggest difference between the Casta and typical scissors is in the handle. Instead of the loops where fingers go, there are two pads with springs. Now a person can hold the scissors in their palm or fingers and thumb. Springs between the pads then make it so the user only has to do a squeezing motion.

A.338

(170)

Case 1:04-cr-00356-AT Document 605-3 Filed 12/15/23 Page 53 of 108
 I tried to make copies for you but I have received

one of my original copies back over the copying so I only have one left for the Court if this issue is not resolved fairly to me and my grieving family.

However, I am sure with the details above you can easily obtain the papers from ADX, SAs records.

Respectfully, Accordingly, could you please help to mitigate the harsh SAs & its misuse by helping me with the following:

(1) Allow me 2 extra calls per a month to have a meaningful conversation with members of my family (I now have less than 3 minutes per a month per a person and have to repeat to every one many sentences as they are all worried asking the same questions about me and no group hearing allowed)

(2) Restore the visiting forms found by FOIA on approved visitors so I have some visits i.e (for now till the other forms found) please add Marwa, Othman and Yassir

(3) Allow me please to write two letters per a week 5 pages (10 sides) - please note that I did not write for almost 18 months as many get lost and I had before to write in small font to fit the 3 pages as well as many of my children get upset when there is no enough or any for them in the letter which can take 10 days if it reach at all. Please, advise/help Respectfully

page 3 of 130 = of 3)

J/M. 11-03-201

videnced that the long repeated denial by AD & not exhausted remedy work of ever receiving any the "Missing" Family Visiting Requests! and accordingly only cleared my wife and one of my daughters (Marwan) visitors (who can not travel on their own) and thus never had a single visit since extradited from U.K. to be 06, 2012 though I used to have one or two visits weekly by three adults & 3 children each visit in U.K. The FOIA proved the misuse of several known & unknown SAMs operatives and their harmful in professional life.

Though all my family sent their signed and detailed visiting forms (many sent more than once) only two of my large family forms were acknowledged and approved. I have a wife, 7 boys, 2 girls, 11 grandchildren and 3 siblings.

Some of their visiting forms and approvals were included in FOIA as follow: (I need to send to FOIA again regarding the rest)

① SON Othman Mostafa: FOIA ID: BOP FOIA #2017-00239
204 of 363

② SON Yassir Mostafa: BOP FOIA #2017-00239-208 of 363

③ Daughter Marwa Mostafa: BOP FOIA #2017-00239-205 of 363

④ Example of ADX \Rightarrow SAMs exchange of E-mail approving Marwa in 2017: BOP FOIA #2017-00239-218 of 363

And hopefully more to come as evidence of the same above.
(page 2 of 3)

PTO \rightarrow

Page 01 of 03

Wed Nov 03, 21

To: Mr. William E. Legal Dept.
From: I/m Mostafa # 67445-054 11-511

Subject(s): Last week 3 requests, And Advice needed Re:
FOIA New evidence of Misuse of SAM

Dear respected Mr. Williams;

Hello, I prepared 3 requests to give you last week during round, however, our respected Counselor Mr. Hollbrook took the envelope to give you, did you receive it or replied?

The requests were about:

→ (A) To help arrange with ADX staff to allow me print and compile files from my criminal case discovery to use in my civil claim, as discussed with madam judge Esq after the court conference call 10/25/2021.

→ (B) Regarding to continue the arrangement of allowing me to keep paper work (extra legal volumes) as arranged pre to your arrival to ADX (see details there)

→ (C) To provide me with the last two pages of my both cases; New York and civil one because it appears that my last motion to both courts are missing.

Accordingly, kindly advise regarding last week 3 requests.

* Secondly Regarding New evidence of Misuse of SAMs against me and my family I have just received from Bop FOIA in response to my request in 2017

Request Number: 2017-00239. And I received October 18, 2021 from sis Mr. Jones - 363 pages. And among many, it included

Jan 16, 2020

To: The Honorable Michael E. Hegarty
United States Courthouse
901 19th Street, Suite A542
Denver, CO 80294-3589.

From:
Mostafa K. Mostafa
Reg No. 67495-054
US Penitentiary Max
P.O. Box 8500 ~~8020~~
Florence, CO 81226.

Subject: Letter Motion For Se.

Letter Motion seeking to Stop And Investigate The Continuous
Mental And Physical Abuse And Misuse OF SAIM
Against The Sick And Disable Inmate: Mostafa

To: (Hon) Judge Michael Hegarty.
Dear respected Judge Hegarty,

1- Thank you very much for your repeated visits to unit
H in ADX, which I am housed in Cell 511 or 300..

I am the 61 yr old severely disabled (no hands) which
your honor patiently listened to my concerns & pain-
ful daily physical and mental stress due to combination
of solitary confinement, my physical and anxiety
impediments and lack of many essential filtering
items and help to be safe, clean and unstressed.

2- If it was not due to your fairness and hardwork
I would have missed many of your visits, as we are
never told the exact month/week. However today, for
the first time I was told about your intended next Fri
day visit, by Dr. Powderly.

3- Accordingly, and to optimize your honor time and
purpose of visits, I feel in object need to file this
letter motion because I suffered enormously since
your last visit. Some of this suffering were only
because your honor's recommendations were ignored

4. Also, during my over seven yrs under S.A.M. without essential fitting, vitamins or help and getting injured almost weekly, I was repeatedly told that I should not make "oral" Request(s) for relief before I exhaust all my remedy no matter what dangerous my situation is.

But then when all remedy exhausted I was then asked to tell my attorney to write to AXX, which she did a lot and never received any reply or even acknowledgment (I have copies of her e-mails and letters)

Please also see Exhibit A (a list of some of the remedies & many more available)

5. After all that, I was denied any relief from AXX or any consideration to ease my physical and skin and I was told bluntly and repeatedly by unit-manager Mr. Toftmund "See You in Court" & "take us to Court"

6. And while my teeth pain, for being forced to open all pouches and plastics, became unbearable, and my stumps were badly abraded, red very sore and bleeding at the least push or scratch, I was told to pack up again and move to the more humane cell 300 (your honor recommended after seeing my injuries several time, that I should stay in 511).

7. I asked to be moved to anywhere else to prevent further injuries and the continuous endless stress and anxiety knowing that I could be injured and further disabled at anytime, but the management insisted even though the respected new Warden Mr. True agreed to use his discretion to keep me in cell 511 but I have to write to him, which I did but to no avail (please see Exhibit C pages)

8. As I was moved to Cell 300 and many of my property damaged and some trashed, in Oct 19, 2019 I started food strike.

For the first time in my life (16 yrs in prison). Mainly
to have a psychological break, stumps and teeth
respite / break

9- As I was asked repeatedly to eat I also asked
to have my essential utensils for my disability to
eat safely and hygienically unstressed.

And to be treated as a disable & sick inmate
not just an "able inmate in a disable cell"

10- I was force fed several times and physically
assaulted by three member staff & threatened,
attacked, injured and bled badly.
Please see Claim Ten in Exhibit B.

11- I was promised help in my daily tasks, food I
can eat and open etc so I ended my food
strike after 47 days on Dec 05, 2019.
But nothing materialized till now; not even a
note on the door that this inmate needs help in
opening pouches and the many food inside the
many thick plastic's of the Jewish and Muslim tray.

12- I do need the same break for my psychology teeth
and sore stumps as I sought it and felt it during
my food strike; it was the much lesser of the
two pains. But after the deception and broken
promises and the persistence of misuse the SAM
to use my disability against me I to destroy me
physically and mentally, I held my next food
strike would be very prolonged till the law is
followed and the cruel abuse, misuse of SAM and
management deliberate harm &/or indifference cease.

13- I had to launch a civil case with the Catalogue
of abuse and hazardous conditions I am forced in
which I am enclosing here Ten claims in Exhibit B
I hope your honor could see therein the cumulative

continuous and Compelling harm to my physical and mental status as well as their entanglement with other issues like legal & family's issues let alone the fact that I am aging in a degrading conditions of detention.

14- More evidence and authentications are available when needed.

15- Conclusion And request:

Y'our honor's fairness and prudence are urgently needed to:

- (a) stop the abuses and misuse of SAM
- (b) Provide decisive judgement to prevent more injuries and hazardous condition of detention
- (c) Appoint an impartial special advocate to re-evaluate the exaggerations given to place the SAM first place and filiney excuses to narrow it (please see Claim one Exhibit B)
- (d) To restore the American nation's image and credibility when giving assurances to foreign courts/countries to secure extraditions; as they did in my case for 8 1/2 year litigation
- (e) Provide any relief possible from the relief sought in the last page of Exhibit B.
- (f) If an attorney is needed to furnish the honorable judge with more/better presentation, please appoint one.

Thanks

Respectfully Submitted

I/M Mostafa K Mostafa

A.345

Signed: 

01-16-20.

Judge Herty Motion Jan 16, 2020

Exhibit B

Copy of the Ten Claims Sent
To District Court Denver Re:

S.A.M & A.D.X. Abuses

(35 pages)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-cv-00694-PAB-NYW

MOSTAFA KAMEL MOSTAFA,

Plaintiff,

v.

MERRICK GARLAND, United States Attorney General, in his official capacity,
CHRISTOPHER WRAY, FBI Director, in his official capacity,
MICHAEL CARVAJAL, BOP Director, in his official capacity,
B. TRUE, ADX Warden, in his official capacity,
TUTOILUMUNDO, ADX Unit Manager, in his official capacity,
MACMILLAN, ADX Facilities Department, in his official capacity,
FOLLOWS, ADX Medical Department Manager, in her individual capacity,
LOEWE, ADX officer, in his individual capacity,
NORJANO, ADX Officer, in his individual capacity,
CHOROSEVIC, ADX Occupational Therapist, in his individual capacity,
PARRY, ADX Officer, in his individual capacity,
AVERIT, ADX Officer, in his individual capacity,
GARDUNO, ADX Lieutenant, in his individual capacity,
WILLIAM, ADX Nurse, in his individual capacity,
HUDELSTON, ADX Nurse, in his individual capacity,
STERETT, ADX Doctor, in his individual capacity,
ARMIJO, ADX Lieutenant, in his individual capacity, and
EDWARDS, ADX Officer, in his individual capacity.

Defendants.

Fourth Amended Complaint

I. THE NATURE OF THE ACTION

1. The Plaintiff is a 64-year-old civil engineer, who was well-known as the imam of a mosque in Finsbury Park, London in the United Kingdom ("UK"). The Plaintiff was convicted, and sentenced to life imprisonment for allegedly inspiring others to resist the wars in Afghanistan, Yemen, and other Muslim countries at war with the United States. The Plaintiff

was severely disabled in 1993, losing both hands up to his mid-arms, leaving him blind in his left eye, and with poor vision in his right eye. At the time, the Afghan resistance was fighting against the Soviet Union, not the United States. The Plaintiff then returned to the UK to be with his wife, nine children, and grandchildren (he now has 11), who are all British.

2. Prior to his trip to Afghanistan, the Plaintiff had worked as a civil engineer, and designed several large construction projects, including the Royal Military Academy Sandhurst, which is used by the British military. However, upon his return from Afghanistan, beginning in 1994, the Plaintiff began preaching at the Finsbury Park Mosque (FPM), where he was named as the imam of the mosque. The FPM was closed by the UK authorities in January of 2003, due to concerns that the FPM was "radicalizing" its members to oppose the UK's wars in Muslim countries.

3. The Plaintiff continued to lead prayers on the street in front of the closed mosque, until he was arrested and put in the Belmarsh prison in the UK on May 27, 2004. The Plaintiff was charged and convicted of inciting violence and racial hatred in the UK after the United States designated him a terrorist and requested his extradition. After an eight-year legal battle, the Plaintiff was extradited to the United States to face additional charges arising from the content of his speech. His extradition was at first denied by the European Court of Human Rights, until officials from the U.S. Department of Justice made assurances to that court that the Plaintiff would not be held in the ADX "administrative maximum security" prison in Florence, Colorado on account of his disabilities. After he was extradited, the Plaintiff was convicted, sentenced to life imprisonment, and placed in the ADX for the rest of his life.

4. The Plaintiff's conditions of confinement in the ADX have at times been unique and unlike any other prisoner held in the United States. The Defendants built a special cell in the ADX to prevent the Plaintiff from ever communicating with other inmates, although now he is

allowed to do so. The Plaintiff is severely disabled, having lost both arms in 1993, with no vision in one eye, and poor vision in his remaining eye. The Plaintiff's cell was designed for a person in a wheelchair, and doesn't accommodate his disabilities. Nor does he have prosthetic devices that allow him to attend to the basic functions of life, such as eating and cleaning himself. He is not allowed to pray with other Muslims, and has no reasonable access to halal food that accomodates his disabilities. The Plaintiff suffers from two different kinds of discrimination, based on his religion and his disabilities.

II. JURISDICTION AND VENUE

5. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331, based on the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq., the Civil Rights Act of 1871, 42 § U.S.C. 1983, based on violations of the First, Fifth, and Eighth Amendments of the U.S. Constitution, the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), and the Administrative Procedure Act, 5 U.S.C. § 500 et seq.

6. The Court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(2), for claims relying on the theory in Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). The Plaintiff is a citizen of the United Kingdom. The Bivens Defendants are citizens of various U.S. states. The amount in dispute between the Plaintiff and each Bivens Defendant exceeds \$75,000.

7. This Court has personal jurisdiction over Defendants. Defendants Parry, Averit, Garduno, William, Hudelston, Sterett, Armijo, Edwards, Follows, Chorosevic, Loewe and Norjano are alleged to work at the ADX prison in Colorado, and on information and belief, reside in Colorado. The remaining Defendants Garland, Wray, Carvajal, True, Tutoilumundo, Macmillan, are sued in their official capacities as officials of the Department of Justice, which controls every aspect of the ADX prison and the Plaintiff's situation. On information and belief each is a resident of a state of the United States. There is general personal jurisdiction over all

46. The Plaintiff is not allowed to pray with an imam or with other prisoners, to wash before praying, and is served kosher meals instead of halal meals, preventing him from exercising his religious beliefs, and discriminating against him on account of his religion. Some of these conditions have changed over time, or are authorized in the SAMs but not allowed in practice.

47. The Plaintiff exhausted his administrative remedies, a process reviewable under the standards in 5 USC § 706 of the Administrative Procedure Act. According to the Defendants, the Plaintiff "has filed no fewer than 423 individual administrative remedies and appeals of those remedies." Defendants' Motion for Partial Summary Judgment at 3 [Doc. 102]. The Defendants only challenged the exhaustion of several of Plaintiffs' First Amendment claims. Id. However, Plaintiff has no burden to exhaust his legal theories, and need only complain about the conduct of the Defendants that is at issue.

V. DEFENDANTS' VIOLATIONS OF LAW

48. Defendants' actions violate, and Plaintiff's causes of action arise from, the following laws:

- (a) The Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq.
- (b) The Rehabilitation Act, 29 U.S.C. § 794(a);
- (c) The Civil Rights Act, 42 U.S.C. § 1983;
- (d) The United States Constitution;
- (e) The Administrative Procedure Act, 5 U.S.C. § 500 et seq.;
- (f) Common law of the United States of America;
- (g) Statutes and common law of Colorado;
- (h) The US-UK Extradition Treaty; and
- (i) The UK Human Rights Act.

VII. CAUSES OF ACTION

49. With respect to all of the causes of action described below, the harm to Plaintiff was caused by the acts or omissions of Defendants. Numerous individuals are sued in their official capacities, even though they all work for the Department of Justice, because they are believed to have had a role in the conduct or policies at issue in this case. The Defendants conspired and aided and abetted each other in ways unknown to the Plaintiff, and most have respondeat superior liability, as agency officials, for the conduct of those working for them.

First Cause of Action

**Violation of the Religious Freedom Restoration Act, of 1993,
42 U.S.C. 2000bb et seq., asserted against Defendants Garland,
Wray, Carvajal, and True, in their official capacities.**

50. The Plaintiff incorporates by reference all of the preceding paragraphs as if set forth herein.

51. The Plaintiff is a Muslim and the former Imam of a mosque in London, England.

52. The restrictions placed on Plaintiffs' communications prevent him from attending worship services or praying with other prisoners, substantially burdening the Plaintiffs' practice of his religion. As the Plaintiff explains in more detail infra at ¶¶ 60-61, group prayer is totally prohibited in the H Unit of the ADX prison, where the Plaintiff is housed. The Plaintiff has never been allowed to pray with other Muslim prisoners since he was transferred to prisons in the United States, including the ADX, Metropolitan Correctional Center ("MCC") or Federal Medical Center in Missouri ("FMC"). This is in contrast to the Belmarsh Prison in the United Kingdom, where the Plaintiff was previously incarcerated and allowed to pray with other prisoners.

53. After the Plaintiff arrived in the United States, he was kept in complete isolation, and wasn't allowed to communicate with any other prisoners between 2012-2015.

54. In October of 2015, the Plaintiff was for the first time allowed to go to "rec." This refers to "recreational time," which is spent in a cage next to five other prisoners in similar cages. Beginning October 18, 2019, the Plaintiff was allowed go to "rec" approximately once per week. At some point, this was reduced to once every two weeks. The Plaintiff wasn't allowed to leave his cell at all between the periods of November 14, 2020 - January 29, 2021 and October 15, 2021 - November 5, 2021. The Plaintiff has not been to "rec" at all in the past three months. This is due partly to the Defendants' restrictions, and partly due to the Plaintiffs' health problems.

55. The Plaintiff has asked for the rec time to be used for group prayer. There are many other Muslim prisoners in the H Unit of the ADX, where the Plaintiff is housed. However, group prayer has never been permitted. Moreover, when recreational time is allowed, it is scheduled for times between 7AM-11AM, which doesn't include any of the 5 times per day Muslims are supposed to pray. Only a small change to the schedule would cause it the rec time to coincide with one of the prayer times. The Defendants refusal to accommodate group prayers is an arbitrary and unreasonable restriction on the prisoners' practice of their religion.

56. Muslim prisoners should also be allowed to make a row, or rows, while facing in the direction of Mecca. The Defendants arbitrarily placed the recreational cages facing in a different direction. A change in orientation of 45 degrees or less would allow the Muslim prisoners to make either two rows or three, or three rows of two.

57. Although no photographs of recreational cages in the H Unit are available, since the H Unit is used for Muslim prisoners, the Defendants should have alternative means that are readily available to accommodate the prisoners' right to group prayer. The Defendants could reserve one or another of these types of cages for one of the Muslim prayer times on Fridays, and allow the prisoners to choose whether to use their rec time this way, and decide amongst themselves which

of them will lead the Friday prayers. This would place a de minimis burden on the Defendants to alter the rec schedule, not requiring any additional staff, or impacting on any legitimate penological interest in any way.

58. When the Plaintiff was in Belmarsh prison in the UK, he had daily prayers with other prisoners, weekly prayers with other prisoners on Fridays, and two additional *Eid* prayers, all of which were held in person, in groups. At times, the Plaintiff was asked by the prison managers to lead Friday sermons, when the prison's Imam wasn't available. The Defendants don't need to provide an Imam, though, since any Muslim prisoner could lead the prayers.

59. For some period of time, the Plaintiff was allowed monthly visits by an Imam while at the ADX, for three to five minutes each. In March 2020, these visits were stopped altogether and have not been resumed. [Doc. 43-1 at 11 ¶ 12] These visits are a poor substitute for group prayer, which is essential to the religion of Islam.

60. A connection with the *ummah*, or community of Muslims, is essential to the religion of Islam. [Doc. 43-1 at 11 ¶ 12]. The Plaintiff's SAMs state that: "c) Inmate Communication Prohibitions - i) You are limited, within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from having contact (including passing or receiving any oral, written, or recorded communications) with any other inmate, visitor, attorney, or anyone else, except as outlined and allowed by this document, that could reasonably foreseeably [sic] result in you communicating (sending or receiving) information that could circumvent the SAM's intent of significantly limiting your ability to communicate (send or receive) threatening or other terrorism-related information. ii) The USMS/BOP/DF may permit you to communication with other SAM inmates orally only during certain predesignated times, the place and duration to be set by the USMS/BOP/DF. You shall not have any physical contact with other inmates during

this predesignated time and all such predesignated sessions may be monitored and/or recorded." [Doc. 169-1 at 6, ¶ (1) (c)(ii)]. Nevertheless, the Plaintiff has never been allowed to pray with others. Nor has he observed any other prisoners in the ADX engaged in group prayer, during recreational time, or at other times. According to the Plaintiffs' January 6, 2022 SAMs, which are currently in force, "5) **Religious Visitation** a) If a USMS/BOP/DF- and/or FBI-approved religious representative is to be present for prayer with you, the prayer shall be conducted as part of a contact or non-contact visit, at the discretion of the USMS/BOP/DF." [Doc 169-1] at 16. (emphasis in original) The Defendants have never had to use this discretion because they have never approved any such visit or even group prayer among the prisoners. The Plaintiff worked as an *Imam* and could lead the prayer, or another Muslim prisoner could lead the prayer. The Defendants don't need to provide personnel to lead the prayers.

61. Courts have recognized the right of prisoners to group prayer. See Lindh v. Warden, Fed. Corr. Inst., 2013 WL 139699 Case No. 2:09-cv-00215-JMS-MJD (S.D. Ind. Jan. 11, 2013). So have the Defendants themselves. BOP Program Statement 5360.09, Religious Beliefs and Practices, requires the Defendants to provide prisoners with "reasonable and equitable opportunities" to pursue their religious beliefs. But instead of providing equitable opportunities, the Defendants discriminate against Muslims and unfairly associate the religion with terrorism.

62. In addition to being unable to participate in group prayer, the failure to provide halal food in a form that is accessible to the Plaintiff substantially burdens his practice of his religion. Serving the Plaintiff kosher food instead, puts substantial pressure on the Plaintiff to modify his behavior and violate his beliefs. Halal meals are available generally, but the Plaintiff had to choose kosher over halal because the halal food is packaged differently and delivered in a

different type of tray that the Plaintiff is unable to use. A reasonable accommodation would be for the Defendants to serve the Plaintiff halal food packaged the same was as the kosher food.

63. Specifically, the tray used to serve kosher food is half the height of the tray used for halal food, and is easier for the Plaintiff to scoop from. The Plaintiff wants to eat the halal meals, but the way they are served makes them too difficult to eat. The different types of food trays appear arbitrary and serve no legitimate penological interest. The Defendants have failed to accommodate the Plaintiff's disability by forcing him to eat food prepared according to a different religion.

64. In addition, the Plaintiff is denied feast meals related to his Islamic faith. [Doc. 43-1 at 11 ¶ 12] He should be provided with feast meals for *Eid*. The Plaintiff's religion requires that he eat meat for these meals. The Defendants would not give the Plaintiff a Passover meal, even though the dates for Passover meals, which are provided for a week to Jewish inmates, coincides with one of the Eid festivals. The Defendants' failure to provide a meal with meat on *Eid* places a substantial burden on the Plaintiff's practice of his religion.

65. Due to the restrictions imposed by the Defendants, the Plaintiff cannot wash himself "after toilet to pray his minimum 5 times" and "always soil his cloths and area in trying." [sic] [Doc. 43-1 at 11 ¶ 12]. The Plaintiff's religion requires that he wash himself before praying. The poor hygiene afforded to the Plaintiff serves no legitimate penological interest, burdens the Plaintiff's exercise of his religion, which need not be compelled by, or central to, his system of religious belief in order to be protected.

66. These conditions must be considered in their totality, and are not pled as individual claims.

Plaintiff's alleged role in supporting terrorism, and exaggerates the dangers of Muslim terrorists over persons committing similar acts, who are motivated by other reasons. Even the Plaintiff's infant grandchildren are considered dangerous. This is due to a discriminatory animus which the Defendants have institutionalized.

95. The Defendants have failed to consider ready alternatives that fully accommodate the prisoner's rights, at de minimis costs to valid penological interests, such as changing the times for prayers, the orientation of the cages, or packaging halal meals the same way as kosher meals.

96. The Defendants have failed to properly balance the impact on prison staff, on the Plaintiffs' liberty, and on the allocation of limited prison resources, including the costs of litigating issues that should be resolved at the administrative agency level. The Defendants' responses to requests and appeals pursuant to the Administrative Remedy Program don't make use of any legal analysis, cite any laws, or the facts relied on to make decisions. Whatever factors the Defendants take into account in processing these requests are left unstated. The overwhelming majority of them are denied without explanation, placing the burden on the Court to review handwritten complaints and no legal analysis or reasoning to use as a starting point. Most of them are Bivens actions because that is the theory suggested in the Defendant's prisoner complaint form.

Fifth Cause of Action

Violation of § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), against Defendants Garland, Wray, Carvajal, and True, in their official capacities, for failure to provide reasonable accomodation for Plaintiff's amputated arms.

97. Plaintiff incorporates by reference all of the preceding paragraphs as if set forth herein.

98. The Americans with Disabilities Act ("ADA") and the Rehabilitation Act ("Rehab Act") apply to prisoners in state and federal prisons, respectively. They are treated identically in the

law, except that the ADA has an additional requirement that the Defendant receive federal funds. The relief provided by the two statutes is coextensive. See Barnes v. Gorman, 536 U.S. 181, 189 & n. 3 (2002); Morris v. Rumsfeld, 420 F.3d 287, 290 (3d Cir.2005); Washington v. Ind. High Sch. Athletic Ass'n, Inc., 181 F.3d 840, 845 n. 6 (7th Cir.1999). For this lawsuit, the analysis governing each statute is the same. See Cutter v. Wilkinson, 544 U.S. 709, 716 n. 4 (2005); Jaros v. Ill. Dep't of Corr., 684 F.3d 667, 672 (7th Cir. 2012).

99. The Plaintiff is disabled within the meaning of the Rehabilitation Act because two of his arms were amputated, he lost sight completely in one eye, and has problems with cataracts and very poor vision in his other eye. These physical impairments substantially limit many of the major life activities of the Plaintiff, and qualify as disabilities under § 103 of the Rehabilitation Act. See 29 USC § 705. Although the text of the Rehabilitation Act speaks in terms of employment, it also applies in the prison context, but instead of being a substantial impediment to employment, a disability must be a substantial impairment to major life activities. Lacking both arms and being nearly blind are two different disabilities, neither of which have been reasonably accommodated by the Defendants.

100. The Plaintiff is qualified to participate in the Defendant Bureau of Prisons' programs for inmates, because he is incarcerated in a federal penitentiary, which must accommodate his disabilities so that he can participate in all of the programs and activities available to other prisoners. See Wis. Cmty. Serv. v. City of Milwaukee, 465 F.3d 737, 746 (7th Cir.2006); Foley v. City of Lafayette, 359 F.3d 925, 928 (7th Cir.2004); Grzan v. Charter Hosp. of Nw. Ind., 104 F.3d 116, 119 (7th Cir.1997). Refusing to make reasonable accommodations is tantamount to denying access. Although the Rehabilitation Act doesn't expressly require accommodation, “the

Supreme Court has located a duty to accommodate in the statute generally.” Wis. Cmty. Serv., 465 F.3d at 747; Alexander v. Choate, 469 U.S. 287, 300–01 (1985).

101. Although incarceration isn't a program or activity, the meals and showers made available to prisoners are. Jaros v. Ill. Dept of Corrections, 684 F.3d 667,672 (7th Cir. 2012); Cassidy v. Ind. Dep't of Corr., 199 F.3d 374, 375 (7th Cir. 2000); Crawford v. Ind. Dep't of Corr., 115 F.3d 481, 483 (7th Cir. 1997); Shomo v. City of New York, 579 F.3d 176, 185 (2d Cir. 2009); Kiman v. N.H. Dep't of Corr., 451 F.3d 274, 287–88 (1st Cir. 2006). In addition, the basic necessities of life, like opening food packages, eating, washing, using the toilet, brushing teeth and hair, cutting toenails, cleaning the cell, or even leaving the cell when allowed, are all made unreasonably difficult by the Defendants, who fail to accommodate the Plaintiff's disabilities.

102. The Plaintiff isn't dangerous to other inmates, either physically or otherwise. The Plaintiff has an excellent disciplinary record during more than ten years in prison. See School Bd. of Nassau County v. Arline, 480 U.S. 273, 287 (1987) (holding that a person who poses a significant risk to others is not “otherwise qualified” for the activity, establishing a four-part test for determining whether a contagious disease constitutes such a risk); 42 U.S.C. § 12182(b)(3).

103. The Plaintiff is excluded from, is not allowed to benefit from, or has been subjected to discrimination in the BOP's programs because he doesn't have adequate prosthetic devices or access to prison facilities and programs that accommodate his disabilities.

104. All of the prison officials and the governmental agencies named as Defendants receive federal funding. See ¶¶ 8-19 supra.

105. According to the Bureau of Prisons' regulations, the Defendants are required to provide a reasonable accommodation for the Plaintiff's disabilities. "Accommodation needs vary from person to person, and therefore must be individualized. If an accommodation is needed, it will be

provided by the department that verified the disability. When a determination is made that an inmate's needs go outside the scope of the department, different professions must work collaboratively to meet the needs of the inmate. For particularly complex cases, accommodations are determined by a team comprised of a psychologist, medical provider, educator, recreation specialist, unit manager, reentry affairs coordinator, and captain. This team is led by the Associate Warden, Programs, whose responsibility is to serve as the local coordinator on disabilities. Legal staff are consulted as needed. A social worker is part of the team if the position is filled." See Management of Inmates With Disabilities, BOP Program Statement 5200.05 at 8 (2017). Reasonable discovery will determine how these determinations were really made.

106. The Defendants have also failed to provide any of the accommodations listed in BOP Program Statement 5200.05. It says "Accommodations may include, but are not limited to, accessibility of all relevant areas of the compound, assistive devices or technologies, specialized approaches to learning, interpreters, additional time to complete tasks, modified materials (e.g., large print), enhanced reentry planning, and inmate companions. Information about accommodations authorized for a particular inmate is documented by the department approving them, and a notification is sent to the Unit Team." Id. at 9. See Cummings v. Roberts, 628 F.2d 1065, 1068 (8th Cir. 1980) (prisoner bedridden by a back injury alleged that prison staff failed to provide him a wheelchair, forcing him to drag himself along the floor); Maclin v. Freake, 650 F.2d 885, 889 (7th Cir. 1981) (paraplegic prisoner alleged that he had not received physical therapy for nearly a year after entering prison).

107. The Defendants' failure to provide adequate prosthetics for the Plaintiff's arms impairs his abilities to perform actions that involve the management of basic bodily functions, which are

considered Activities of Daily Living (ADLs) in the Defendants' regulations. Id. at 2. See Plaintiffs Pro Se Motion for TRO at 6 [Doc. 39].

108. The Plaintiff was provided with adequate prosthetics when he was in the Belmarsh prison in the UK. However, about six years ago, the Defendants sent the Plaintiff's prosthetics to their facility in Maryland, which lost or destroyed them. The Plaintiff went almost nine months without any prosthetics at all, from September 13, 2016, through April of 2017.

109. After nine months, the Defendants provided new prosthetics. However, the prosthetic arms provided by the Defendants are made of a material that causes the Plaintiff's arm stumps to become inflamed and swell. They should be made of similar materials to the prosthetics used by the Plaintiff in the UK, which didn't cause this reaction.

110. Due to skin irritation problems, the Plaintiff can only use his prosthetics for 10-15 minutes at a time.

111. The prosthetic arms provided by the Defendants aren't waterproof. The inside of the prosthetics are blackened and contaminated, which is dangerous because the Plaintiff's arm stumps have protruding bones not covered by flesh, which are susceptible to infections. The Plaintiff has had to have further amputations of his arms due to these infections, which were treated when he was in the MCC in 2013, but have not been treated while the Plaintiff has been in the ADX.

112. The prosthetic arms provided by the Defendants don't have adjustable holding fingers, allow different pressures to be applied, or allow different contact surfaces on the fingers.

113. The Plaintiff is unable to hold toilet paper with prosthetics provided by the Defendants. Since the Plaintiff uses the same prosthetic fingers for everything, the contamination of the prosthetic fingers with feces is unhygienic and potentially dangerous to the Plaintiff's health.

114. When the Plaintiff explained this problem to Defendant Chorosevic (an occupational therapist) on February 16, 2022, Defendant Chorosevic responded "use your stumps to hold the toilet tissue then." Defendant Chorosevic knows that the Plaintiff's arms are amputated, and that he cannot reach this part of his body with his arm stumps, but is indifferent to the Plaintiff's suffering. On information and belief, Defendant Chorosevic has no experience with double upper amputees, since this disability is uncommon or unique in the ADX.

115. The prosthetic arms provided by the Defendants have holding fingers that are sharp and can cut the Plaintiff if he is not careful.

116. The prosthetic arms provided by the Defendants don't have elbow hinges, so that he cannot adjust the angle, or control them like other types of prosthetic arms that Plaintiff has had. The new prosthetics also require a lot of strength to operate, and are difficult to use. Some prosthetics are motorized, but the Plaintiffs' are not.

117. The Plaintiff wasn't allowed to participate in the design of the new prosthetics, nor would the Defendants ever allow the Plaintiff a visit by an occupational therapist of his choice, as demanded by his lawyers. Instead, the persons provided by the Defendants were unqualified to design the prosthetics, and have been indifferent to the fact that they don't work properly.

118. The Defendants have also failed to provide dental care, or an electric, prosthetic toothbrush the Plaintiff can use. Id. This has caused the Plaintiff to lose many of his teeth due to infections. The Plaintiff has lost all his lower back teeth, two of his top back teeth, and suffered severe abrasions to his front teeth and gums, because he is only able to open packets by using his stumps to hold the item and his teeth to rip it open. [Doc. 43-1 at 24 ¶ 5].

119. The Defendants serve the Plaintiff food in packages that he is unable to open except by using his teeth. Id. The Plaintiff is at greater risk of contracting covid because of this, and

because he has to put these packs in his mouth after they have been touched by prison staff. *Id.* at 18. The Plaintiff fears that once his remaining teeth are gone, he will not be able to open the packages. A reasonable accommodation would be to package the food differently, or to provide the Plaintiff with a prosthetic tool for opening the packages.

120. The Plaintiff's persistent, untreated dental infections put him at greater risk of contracting a serious case of covid-19 or other illnesses. The Defendants have persistently refused to provide antibiotics or other treatments for the Plaintiff's dental infections. When he was housed in the MCC in NY until February, 2015, PA Ramos treated the Plaintiff's infections, which have gone untreated or have been inadequately treated since the Plaintiff has been housed in the ADX. The dental work done by dentists in the Belmarsh prison in the UK has been damaged and destroyed over time, and has not been replaced.

121. The Plaintiff also needs a soap pump to attend to his basic hygiene and keep himself clean. *Id.* The levers on the sink and shower in Plaintiff's cell should be designed to take Plaintiff's disabilities into account, so that he can operate them without injuring himself or flooding his cell..

122. The Plaintiff is unable to trim his toenails, and has cut himself and developed infections of his toes. *Id.* at 15. At the present time, the flesh behind both of the Plaintiff's big toes is infected and painful. The Plaintiff has Type 2 Diabetes, and fears that infections of his toes could lead to amputations of his toes or feet. The dangers of covid-19 may be compounded if the Plaintiff has to fight two infections at once. The Defendants ignored Plaintiffs' requests for assistance with his toenails and infections for 9 1/2 months, demonstrating an attitude of indifference. *See Leach v. Shelby Cnty. Sheriff*, 891 F.2d 1241, 1243 (6th Cir. 1989) (inmate

with paraplegia not bathed for several days despite danger of a recurring ulcer, forced to lie in own urine due to a lack of catheters, and receiving insufficient aid for bowel training needs).

123. The Plaintiff has difficulty tying his shoelaces with the prosthetics provided. The Plaintiff also has difficulty putting on his socks. As a result, the Plaintiff only changes socks about once every ten days, and wears them to the shower. An occupational therapist noted this issue with the prosthetics in 2013, but this has never been adequately addressed.

124. The Plaintiff was completely deprived of glasses for two lengthy periods of time. The second occasion lasted nearly nine months, from October 2020 through August of 2021. The Defendants' slowness in replacing the Plaintiff's glasses demonstrates the poor quality of medical care he has received. The Plaintiff's near blindness, even with glasses, compounds his other disability.

125. Due to the restrictions imposed by the Defendants, the Plaintiff cannot properly comb his hair, is provided no suitable hairbrush, cannot safely shave, and is unable to cut his own hair, and is denied haircuts for months on end. [Doc. 43-1 at 11 ¶ 12] The Defendants' denial of any way for the Plaintiff to brush or cut his hair serves no valid penological interest. The Defendants don't regularly cut the Plaintiffs' hair, or allow him to cut it himself.

126. The Defendant's failure to provide a hairbrush means that the only tool the Plaintiff has to brush his hair is a toothbrush. The Plaintiff has an old toothbrush for this purpose, although the bristles aren't strong enough to penetrate all of his hair. The Plaintiff normally uses water and compacts his hair with his arm stumps to arrange it. The Plaintiff cannot maintain a beard or make himself presentable due to the Defendants' restrictions.

127. In 2018, the Defendants provided the Plaintiff with a hair brush. However, the handle was removed for security reasons. The Plaintiff was able to use this until some time in 2020, but it could not reach the back of his head. The Plaintiff no longer has access to a hair brush.

128. The Plaintiff also needs to trim the hair under his arms and pubic area to adhere to his religious practices, but has no way to do this. This should be done on a monthly basis, at least.

129. The Defendants have failed to provide other reasonable accommodations, including a plate, tray and spork designed for an upper amputee. Id. at 8. These accommodations were recommended by the Defendants' occupational therapist when the Plaintiff was imprisoned in the Metropolitan Detention Center in New York in 2013. Id. The occupational therapist also recommended providing the Plaintiff with assistance with cleaning his cell and bedding. Id. The Defendants also refused to take into account the recommendations made by an occupational therapist in the United Kingdom. Id. at 11-12.

130. In response to Plaintiff's attorney's requests to provide Plaintiff with the essentials of daily care, an evaluating Occupational Therapist visited the Plaintiff in 2013. In making her recommendations, the occupational therapist incorrectly assumed that the Plaintiff could make his own bed, open condiment packages, required no assistance in opening or drinking fluids safely, and required no additional help or items for cleaning assistance. [Doc. 43-1 at 22 ¶ 4].

131. Notwithstanding the Occupational Therapist's assumptions, the Plaintiff has to use his bare arm stumps to collect garbage from and clean his cell, which takes a long time and results in injuries, abrasions, sweating, and fatigue. [Doc. 43-1 at 22 ¶ 5]. Similarly, the Plaintiff has great difficulty changing his bedding with the prosthetics he has. [Doc. 43-1 at 22 ¶ 5, 24 ¶ 5]. Instead of providing the Plaintiff with reasonable accommodations to clean his cell and arrange his bedding, the Defendants have required the Plaintiff to clean his cell and arrange his bed without

adequate tools. The Plaintiff doesn't have appropriate prosthetic fittings that can be used for these tasks. Id. at 9.

132. The Plaintiff's medical chart requires that his cell and bed must be cleaned and changed daily because of his skin problems and hyperhidrosis, and because abrasion causes his arm stumps to bleed. [Doc. 43-1 at 24 ¶ 5]. The Plaintiff is unable to do this by himself.

133. The Occupational Therapist nevertheless recommended that adaptive equipment, shower grab bars, a disability-friendly food tray, plastic plate, and fabricated utensils be provided; and other personal grooming items be provided to the Plaintiff until his criminal trial was finished. [Doc. 43-1 at 24 ¶ 7]. None of the foregoing items have ever been provided to the Plaintiff, either during the criminal trial, or since. Id.

134. In February 2015, the Plaintiff was assessed by another occupational therapist while he was temporarily housed at the Federal Medical Center in Missouri. [Doc. 43-1 at 25 ¶ 10]. This assessment lasted less than ten minutes and, despite numerous requests, the Plaintiff has never been provided with a copy of her report. Id. He was never seen or assessed by this occupational therapist again. Id.

135. On April 15, 2016, while housed at ADX, another occupational therapist assessment was conducted. [Doc. 43-1 at 25 at ¶ 11]. This assessment was only twenty-two minutes in duration and was conducted under extreme duress. Fourteen other ADX officials from various departments, including the legal, medical, and food departments, were present for the assessment. Id.

136. That occupational therapist concluded that "because [Plaintiff] has prosthetics and can open a peanut butter jar he does not need anything from the list of fitting and items he requested from ADX." Id. Unknown to the Occupational Therapist, an ADX officer had loosened the

peanut butter jar so that the Plaintiff could open it. Id. Nevertheless, the ability to open a jar of peanut butter doesn't show that the prosthetics are adequate for the Plaintiff's needs or a reasonable accommodation of his disability.

137. Aside from failing to address the Plaintiffs' issues managing basic bodily functions, the Defendants have failed to consider their own rules that prohibit housing disabled prisoners in isolation. "Peer support, such as inmate companions, are considered at institutions housing inmates with disabilities." Id. at 9.

138. Compensatory damages and attorneys fees are available for Rehabilitation Act claims, in addition to injunctive relief. 29 U.S. Code § 794a.

Sixth Cause of Action

**Violation of § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a),
against Defendants Garland, Wray, Carvajal, and True, for failure to provide
adequate facilities, including accommodations to his toilet, shower, sink and table.**

139. Plaintiff incorporates by reference all of the preceding paragraphs as if set forth herein.

140. In 2015, the Defendants built a special cell in the ADX for the Plaintiff, which was Cell #300. The Plaintiff was then transferred to the ADX from the Federal Medical Center in Missouri where he had been temporarily housed.

141. Cell #300 is dark and has dangerous, sharp edges. It has no windows, so no sunlight can get in. The Plaintiff is blind in one eye and has poor vision in the other. The Defendants failed to accommodate the Plaintiff's failing vision, which qualifies as a disability on its own, by providing a cell with adequate light. This cell, like others at the ADX, was designed to allow only a minimum amount of sunlight to reach the prisoner. However, the Plaintiff's poor vision requires that he be provided with a reasonable accommodation.

142. In 2017, the Defendants built Cell #511 in the ADX. Cell #511 has a window to allow light in, but was designed for a person in a wheelchair. The Plaintiff has no arms, and is not in a wheelchair. The Defendants then moved the Plaintiff from Cell #300 to Cell #511, after two years of being incarcerated in the darkness.

143. The sink, shower and toilet in Cell #511 do not accommodate the Plaintiff's disabilities. The buttons have sharp edges and are too difficult for the Plaintiff to push with his prosthetics. The Plaintiff has to press the buttons directly with the bone from one of his arm stumps, which are not covered with flesh.

144. Reasonable discovery of the Plaintiff's medical records will show that in 2007, while in prison in the UK, the Plaintiff developed a serious bone infection from similar activities, resulting in further bone amputation. After this incident, the UK authorities had only allowed the use of "lever faucets" and "U shape outlets" to prevent further bone injury. The Defendants are aware of this, but indifferent to it, denying Plaintiff's administrative remedy requests and not responding to his attorneys' letters.

145. The Plaintiff needs an upward water stream from the toilet in order to clean his rectum. This is required for hygiene as well as the Plaintiff's religion, which requires its adherents to clean themselves before praying. The only water stream in the cell points downward, from a height of about four feet, and is not a reasonable accommodation for a double upper amputee.

146. The toilet in the Plaintiff's cell is difficult for him to flush and doesn't have a lever that the Plaintiff can easily use. This contributed to an infection of one of Plaintiff's arms, and a further amputation of it.

147. At times, the Plaintiff's inability to control the shower has resulted in flooding of the Plaintiff's cell because he was unable to turn the water off.

148. The shower has a safety rail at the level of a person sitting in wheelchair, which is too low to be used by a person standing up.

149. The Plaintiff needs a larger table that he can use to arrange and move objects, and often has to use his mouth to lift objects, which is unsanitary and dangerous during the pandemic. In October of 2021, apparently in response to the Plaintiff's Administrative Remedy Program requests and letters from his attorney, the Defendants increased the size of the Plaintiff's table, but refused to move it closer to the sink. The new table is located such that the Plaintiff has to sit on the toilet to use it. This is demeaning and unhygienic, and more in the nature of retaliation than a genuine effort to accommodate the Plaintiff's disabilities.

150. Cells #300 and #511 are both near steel gates that open every 30 minutes and make a lot of noise, resulting in the Plaintiff's perpetual state of sleep deprivation. Although this might appear unintentional on the part of the Defendants, it is yet another condition of confinement that distinguishes the Plaintiff from other prisoners, and a type of punishment not authorized by law. The Plaintiff formally complained about this through the Administrative Remedy Program.

151. The U.S. Department of Justice issued prison and jail-specific ADA regulations in 2010. 28 C.F.R. § 35.152. These regulations require prisons and jails to, as a general rule, place disabled prisoners in the most integrated setting appropriate to their needs. The Defendants have failed to consider these regulations, or weigh them properly in determining Plaintiff's housing needs. The Defendants placed the Plaintiff in a cell which isolates him from other prisoners and prevents him from ever communicating with them.

173. Defendant True ignored the Plaintiff's requests for an investigation, and provided only vague, general responses to the Plaintiff's grievances concerning the assault. Defendant True raised the ticket to the Regional DHO.

174. Defendants not only ignored Plaintiff's request to investigate and report the incident, but also ignored his attorney's letters about it. Id. Reasonable discovery will show who determined whether or not to investigate the incident.

175. The Plaintiff's subsequent administrative grievances concerning the October 28, 2019 assault yielded only vague responses. Id. at 20. On information and belief, the Defendants never even investigated the incident.

176. During the same time period as the hunger strike, the Plaintiff didn't receive any toenail trimmings, from March 2019 until January 13, 2020, when Defendant Hudelston used a tool from his pocket to crudely cut them, causing bleeding and some pain. As explained supra, the Plaintiff can't trim his own toenails, and frequently suffers from toenail infections as a result. These infections are particularly dangerous because of the Plaintiff's Type 2 Diabetes, which could eventually result in the amputation of his toes. The Plaintiff was told by Defendants Chorosevic, Sterett and Follows that his toenails would not be trimmed until he ended the hunger strike. This type of punishment is not authorized by law.

177. In addition, Defendant Tuttoilmundo confiscated or denied the Plaintiff access to his clothes, legal documents, religious books, and other items during the hunger strike. [Doc. 43-1 at 36]. This was retaliatory and served no legitimate penological purpose.

178. The Plaintiff's force-feeding and forced intravenous hydration during the hunger strike were medical treatments not authorized by the Plaintiff. The Defendants had a duty to obtain the Plaintiff's informed consent, which they never obtained. The Plaintiff was cited for refusing to

obey orders when he wouldn't eat, and for when he tried to pull out the IV tubing in another incident on November 21, 2019. See [Doc 98] at 53-54. Forced medical treatments violate many U.S. and European Union laws.

179. The Plaintiff's hunger strike was a form of symbolic speech. The Defendants' reaction to the hunger strike was retaliatory and intended to discourage hunger strikes, even though the Defendants have no legal authority to force a prisoner to eat, or to force-feed them. Force-feeding is a medical intervention to which the hunger striker doesn't consent.

180. The Plaintiff was deprived of a constitutional right at the hands of these federal officials, who are sued in their individual capacities pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

181. The Plaintiff has no other legal remedy available to him. He has exhausted his administrative remedies with respect to this claim.

182. No special factors or immunity defenses can be raised to defeat the claim. For this claim, the officials were acting under color of law, but did not have the discretion to violate the Plaintiff's constitutional rights by physically assaulting him.

183. As a result of the physical injuries he received, the Plaintiff also suffered emotional distress. Plaintiff's injuries were more than de minimis. See Schultz v. Pugh, 728 F.3d 619, 621 (7th Cir. 2013)

Eighth Cause of Action

Violation of Eighth Amendment for deliberate indifference to medical needs, asserted against Defendants Follows, Hudelston, Sterett, Loewe, Chorosevic and Narjano, in their individual capacities.

184. Plaintiff incorporates by reference all of the preceding paragraphs as if set forth herein.

185. The Defendants' failure to provide adequate dental care, including an electric toothbrush, has led to infections and the loss of many or most of the Plaintiff's teeth.

186. The Plaintiff has to open food packages with his teeth, further damaging his teeth.

187. The Defendants' failure to provide adequate foot care, or including trimming the Plaintiff's toenails, resulted in infections of his toes.

188. These infections of Plaintiffs' teeth and toes are especially dangerous because of the covid pandemic. The Plaintiff has contracted covid-19 in the ADX at least once, most likely from interacting with ADX staff.

189. From 2005 until his admission to ADX in 2015, the Plaintiff was able to control some of his medical conditions without medication through a specific diet. [Doc. 43-1 at 28 ¶¶ 1-2]. Upon his entry at ADX, he has been denied this medical diet, despite repeated and renewed requests for the same, *id.* at 29 ¶ 4, leading to deteriorating health and, since 2017, dependence on pharmaceutical medications to treat his symptoms. *Id.* at 28 ¶ 3. The Plaintiff's blood pressure is now very high, his skin cracked and bleeding, and he is plagued with constipation, blood sugar fluctuations, and excessive sweating. *Id.* at 29 ¶ 3. The Plaintiff has psoriasis and hyperhydrosis (overheating) of the skin, Type 2 Diabetes, and has had high blood pressure for 20 years. [Doc. 37-1 at 5]. His request for a "proper diet: salad, tomatoes" [Doc. 43-1 at 39 ¶ 6], is essentially a request that his diet include vegetables, which are necessary for proper nutrition. A reasonable interpretation of the word "food" in the case law should be understood as referring to nutritious food appropriate for the Plaintiff's medical conditions, including diabetes and high blood pressure. [Doc. 37-1 at 5] The Plaintiff should be allowed out of his cell to exercise.

190. In response to one of the Plaintiff's Administrative Remedy Program requests, the Regional Office of the Bureau of Prisons determined that Plaintiff's food should be opened

D. STATEMENT OF CLAIMS

Claim Nine, page two :-- in Alexandria, Egypt)

~~~~~ only two are cleared for visits so far The two who can not travel alone! and never had any visits since extradited.

3- 45 mins of calls allowed per a month and to speak at one person at any time which is less than 2 min/month per a person in a very stressful conditions

4- four of the plaintiff sons are excluded from any communications, and all but one of all grand children are also excluded from any contacts (the eldest is 6 yrs old)

5- The real cycle of a letter and its answer is 6 months 60 working days to send and 60 to receive weekends and holidays are not counted Thus only two meaningful letters per a year for a successful informative mail. No e-mail permitted.

6- Every opportunity is seized by SAM operatives for all restrictions, cancel calls or renew the SAM every year dishonorably. For instance but not limited to: in 2018 the



## D. STATEMENT OF CLAIMS

Claim Nine, Page Three: The plaintiff wrote to  
~~~~~ one of his sons who  
was depressed at the time for not being able to write or
talk enough with the plaintiff (or visit) saying:
"... but don't tell him (his one yr old son) that
I love him and miss him because it is not allowed"
the SAM operatives, desperate to renew the SAM
for 2019 using any trick, acknowledged the phrase but
said they understood it as "tell him ..." and said
it was an attempt to contact third party (the plaintiff
one year old grandson) and used it to renew the 2019
SAM in page three. Similar dishonesty in previous years.

7- The plaintiff showed the paper work, photo of his grand
son to the visiting respected federal judge (Hon
M. Hegarty and he honorably and openly did not agree
with such misuse of SAM and thankfully noted the
stress endured by the plaintiff and his family from this
behavior and unnecessary exaggeration

8- Thus, the plaintiff and his family hardly write now
and know that the very little allowed communication
is but stressful, bad faith and entrapment.

For the above, the Defendants to be sued in their:
✓ official and ✓ personal capacities [END of Claim Nine]

D. Statement of Claims

Claim one. Page 04:

as severely disabled (all in records) in need of constant help, fittings and items and medical daily visit. All that denied by SAMs since extradition 2012.

The FBOP claims to have made "special-needs" living environment in order to accommodate the plaintiff's disability by turning indoor storage rooms into "disability cells". However, the disability essentials for a double amputee upper and vision impaired are never accommodated; every thing is for a lower double amputee or a wheel chair one.

And one of the cells has no natural light. Existing fitting & solitary compel the plaintiff to be injured and further impair himself physically and mentally as there are no toilet for double amputee upper, no continuous water in sink or shower, no safety rail upper level, mirror, table to eat and write near the sink and right size, no utility shelves or cloth hanger and other mitigating help.

Moreover, none of the essential items to carry out daily task, safely and hygienically such as: No disability utensils, cutlery, suitable hair brush, electric tooth brush, disability bedding sheets, soap bump and many others mentioned in Kennedy requests and denied because of the SAMs and/or FBOP-ADX policies. The plaintiff is treated as any other fit young inmate self-sufficient.

D. Statement of Claims

Claim Two, page 05 (Dental & nails care)

But the most painful physical pain (non stop) is the ADX policy of not allowing any dental work or replace damaged work done prior to ADX. Such as but not limited to: Bridges, Crowns, implant etc.

The plaintiff can not use any dentures by the confirmed nature of his disability and has lost all the Dental work he had in England prior to SAMs & ADX as well as three of lower Back Teeth due to being forced insolitary to open strong Pouches of fish, Polongie and other food plastic Packages (all documented), to the extent that some Teeth nerves could be seen from abrasive excessive work and no longer can eat on back teeth as all lower jaw empty.

Yet all ADX dentist repeatedly explained to plaintiff and in record that ADX policy afford no repair (Accordingly no pain relief or help) not even allowed more than once a year cleaning nor plaintiff allowed electric/Flossing Brush to clean his teeth like all other able inmates. This continuous Pain, no proper cleaning or any help/relief.

As for toe nails trimming it is not regular and sometimes, like last year, had to wait 14 months to have it done after many complaints and food strike. Causing severe Pain difficult to walk and extreme hazard for a diabetic to potential cause yet another amputation lower part this time!

D. Statement of claims

Claim One page 05 SAM's operatives violations for mail ~~are~~ too many, repeated and has nothing to do with security, just bullying plaintiff and his family. Such as, but not limited to: Rejecting mail and renewing SAM in 2019, because plaintiff wrote to his son: "don't tell Ahmed (14yr old grand son) that I love him, it's not allowed" SAM operatives cabled plaintiff's one year old grand son: "Third party" and that really mean to tell him "I love you". See Ex-A items 15 and items 12 → 18 for other misuse of SAM's mail and retaliation for food strike ... -

12- SAM's Religious violations in general and particularly for plaintiff mount to spiritual soul torture, ~~that~~ ~~and~~ ~~has~~ ~~nothing~~ to do with security such as: because of Solitary and deprivation of items, fittings or help: i- Can't cleanse after toilet to pray his minimum 5 times. ii- always soil his cloths and area in trying. iii- Or his teeth & mouth. iv- Comb hair or keep a long beard or no suitable hair brush, soap pump. v- Can't remove hair from private area & underarms and injures himself when try to use razor and can't report cuts as it will not be provided again (Razor). vi- Sometimes no hair cuts, like in covid time for many months then only provided for able inmates who can cut their own (discrimination too). vii- No Imam for 4 yrs in ADX then when employed only visit 3-5 minutes a month in average (not seen since March this year). viii- no Communal prayer even once a week or a year (compulsory). ix- No feast meals allowed according to Islamic faith. Also see Ex-A: 21 → 23.

D. Statement of Claims

Claim Four, page 02: Buf # ADX OT Malpractices.

4- In answer to plaintiff's Trial attorney's many requests 2012 to provide the essentials for daily care, MCC New York provided evaluating OT, Ms. Deats. And she visited in March 27, 2013, and during the visit she entered the cell alone and made Mal practice assumptions still harming plaintiff to date such as, but not limited to, "The bed was made" and concluded plaintiff therefore does not need help in that. And "small packets of condiments were open", and he does not need help in opening or making drink safely...

Same in other visits in April 2, 2013 and final visit in April 16, 2013. also, concluded in "assumption that" no need for help or items for cleaning because the cell was clean!

5- She made the above and other, assumption and conclusions without discussing any with plaintiff: How things were made, is it done by carrying harm? safe or hygiene? how often could be done or needed? How long could it be done long / short term harm? And the rest of the "must be followed practice" in my O.T Text book chart and assessments. For instance: The Cell was clean as she entered it 2 days after the 21 days Cell move and was cleaned by the moved inmate out of his courtesy. For plaintiff to do it, he has to use his bare stumps to collect the garbage / clean and takes hours, injuries and abrasions, sweating and fatigue. And can only be done in parts equal to once in 45 days - poor cleaning.

The same with the bed because of stumps abrasion and electrostatics she did not see or comment about the blood on the sheet. To date 2020, the plaintiff only change his bed once every 2 months

D. Statement of Facts

Claim Four Page 03.

While it is clear in his medical chart for 8 1/2 Yrs that his cell and bed must be cleaned and changed daily because of the skin problems, ~~and~~ hyperhidrosis and stumps bleed when abraded.

6 - Also, she new but did not record, that plaintiff has to open any packet by the use of both stumps as one holder and his teeth as the opener. The result to date the loss of all lower back teeth, 2 of the top back teeth, severe abrasion to front teeth and Gum and the loss of all dental Work done in England without any replacement by Bop.

7 - However, she acknowledged in her report ^{very} few of the manifest ed injuries in plaintiff's body and made some recommendations to mitigate them such as: (i) "Skin integrity is poor, both stumps are" redness and swellings of the left ~~and~~ limb appear to be improving. (ii) "healed red marks were observed on his lower left limb." [sock] Material slips out of his hook metal cuts his skin" (iii) difficult, unsafe eating from ~~foam trays~~

8 - She recommended items never delivered to date as:
(a) to be provided with suggested adaptive Equipment
(b) sock Aid/help to put on socks without damaging his skin
(c) Grab bars in shower (high level)
(d) to be provided with Food tray and plastic plate (for disability and safety), and eating fabricated utensils.

9 - other provided only until trial finished then taken back, ^{to date} such as: (i) Pen with rubber grip (ii) suitable Hair brush (iii) soap pump.

D. Statement of ~~Real~~ Claims

Claim For page 04:

10- Federal Medical Center Missouri O.T. Assessment
plaintiff was moved there to be "thoroughly" assessed for suitable designation, in Feb 2015 and stayed till moved to ADX in Oct 2015. OT there, was only allowed 8 1/2 minutes with the plaintiff, surrounded by intimidating intrusive staff for introduction to the assessment program in her chart. but never seen the plaintiff again nor any assessment was made, Bop refusing to date to provide any of her report or comment or how based on what? the designation to ADX was concluded.

11- ADX O.T. Assessment April 13, 2016. Cell 300

Was but 22 minutes of bullying, degradation and chain of malpractices. He entered plaintiff cell with more than 14 staff of multiple ADX Departments: legal, medical, food... all surrounding plaintiff interfering. He concluded his report and assessment that because he has prosthetics and can open a peanut butter jar then he does not need anything from the list of fitting and items he requested from ADX. He, the OT, does not know or asked that one of the officers loosen the jar lid for plaintiff.

And it is clear from O.T. text book and ADA and endless civil cases that this OT committed multiple malpractices and their physical and psychological harm on plaintiff's daily life are severe and endangering his life to date, Especially at the urgent needs of hygiene to prevent the Pandemic from harming the plaintiff

Exhibit 7
Declaration of D. McMullen

Mostafa v. Garland, et al.,
No. 20-cv-00694-PAB-NYW (D. Colo.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-cv-00694-PAB-NYW

MOSTAFA KAMEL MOSTAFA,

Plaintiff,

v.

MERRICK B. GARLAND, in his official capacity,
CHRISTOPHER WRAY, FBI Director, in his official capacity,
MICHAEL CARVAJAL, BOP Director, in his official capacity,
B. TRUE, ADX Warden, in his official capacity,
UNKNOWN SAMs OPERATIVES, in their official capacities,
MACMILLAN, ADX Facilities Department, in his official capacity,
FOLLOWS, ADX Medical Department Manager, in her official capacity,
PARRY, ADX Officer, in his individual capacity,
AVERIT, ADX Officer, in his individual capacity,
GARDUNO, ADX Lieutenant, in his individual capacity,
LOWE, ADX officer, in his official capacity,
NORJANO, ADX Officer, in his official capacity, and
WILLIAM, ADX Nurse, in his official capacity,

Defendants.

DECLARATION OF D. McMULLEN

I, D. McMullen, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby declare as follows relating to this case:

1. I am the Complex Facilities Manager at the Federal Bureau of Prisons (“Bureau”) facility known as the Federal Correctional Complex in Florence, Colorado, which includes the United States Penitentiary – Administrative Maximum (“ADX”). I have held this position since January 2016. Prior to my assuming this role, I worked in the ADX Facilities Department as a General Foreman from January 2014 to October 2015. From October 2015 to January 2016, I was the General Foreman in the high-security United States Penitentiary located on the Complex.

I have been employed by the Bureau, in positions of increasing responsibility, since June 2001.

2. As Complex Facilities Manager, I am responsible for many duties, including, but not limited to, initiating and evaluating proposals for improvements, major repairs, and replacement of facilities across the Complex. I am familiar with the physical configuration of all buildings on the Complex and the unique safety and security requirements for construction of correctional facilities in general and the ADX in particular. I have access to records maintained in the ordinary course of business by the Bureau, including technical drawings and blueprints of the facilities across the Complex, including the ADX. All attachments to this declaration are true and accurate copies of Bureau records maintained in the ordinary course of business.

3. I am familiar with Mostafa Kamel Mostafa, register number 67495-054, who is incarcerated at the ADX.

4. In anticipation of Mostafa's arrival at the ADX, then Complex Warden Oliver made Facilities Department staff aware that a handicapped cell was to be constructed in the Special Security Unit, also known as H Unit. Mostafa is a bilateral amputee missing both hands. As the General Foreman at ADX at the time, it was my responsibility to plan and build the cell according plans approved by the Bureau's central office. I was charge of overseeing the construction of both handicap cells at the ADX.

5. The decision was made to construct two handicapped-accessible cells in H Unit. In this way, a second handicapped inmate could be accommodated at the same time as Mostafa. In addition, per Bureau practice, inmates are required to frequently rotate cells. A schematic showing the layout of both cells, cell 300 and cell 511, is attached to this declaration. *See* Attachment 1.

6. The cells, which face each other across a central hall, are nearly mirror images of

each other. *See id.* Both cells are reconfigured indoor recreation areas and therefore contain more than twice the living space of a standard ADX cell. Cell 300 has 186 square feet, and cell 511 has 192 square feet. *Id.* The size of a standard ADX cell ranges between approximately between 77 and 87 square feet. For example, depending on the housing unit, some cells have showers, other units are community based showers.

7. Both cells comply with the standards set forth in the Architectural Barriers Act, 42 U.S.C. § 4151 *et seq.*, which applies to the construction of Bureau facilities. In addition to being substantially larger than other ADX cells, cells 300 and 511 have wider doors and larger showers that contain benches and safety grab bars. Each shower also has two shower heads, one mounted higher in the shower and the other mounted at a lower level. The lower shower head allows Mostafa to more easily clean the lower half of his body. Each shower head is controlled by a separate button.

8. The water in ADX cells is normally programmed to run no longer than 1.5 minutes in the shower and 12-16 seconds in the sink. That limitation complies with water consumption standards to which the Bureau must adhere and also reduces the potential for inmates to flood their cells, which can present a serious security problem. However, the water in the shower and sink in both cells 300 and 511 has been programmed to run longer, 1.5 minutes in the sink and 3.0 minutes in the shower, to reduce the number of times Mostafa must depress the button¹ for water flow. The toilet flush remains consistent with other ADX cells. There is no limit to the number of times Mostafa can press the button on his sink and shower.

9. Each cell contains approximately six square feet of windows and complies with

¹ Faucet handles, which can readily be broken to make weapons, cannot be installed at ADX.

American Correctional Association standards for natural light.

10. I am aware that Mostafa characterizes cell 300 in very negative terms, such as the “dangerous, dark infested cell 300.” There is no factual basis for these statements. As I have explained above, the cells are exactly the same in every substantive respect.

11. One slight difference between the two cells is that the buttons for activating the shower and sink in cell 300 are of the “paddle” type and are marginally larger than the buttons in cell 511. I installed the paddle buttons in cell 300 after Mostafa complained that the original buttons hurt to depress. Later, Mostafa complained that the retrofitted paddles had sharp edges and would subsequently cut him. While I personally examined the original buttons and found no sharp edges, the paddle buttons were installed in an attempt to appease Mostafa. Regardless, Mostafa still prefers cell 511 and has consistently complained whenever he has been asked to do a routine cell change to cell 300, the only other handicapped-accessible cell in H Unit.

12. In April 2015, during the period when cells 300 and 511 were being constructed, I traveled to the Federal Medical Center in Springfield, Missouri (“FMC Springfield”), to examine the cell where Mostafa was housed at the time. I made the trip to obtain information that might be useful in constructing the handicapped cells at the ADX. A schematic of Mostafa’s cell at FMC Springfield is attached at Attachment 2.

13. I have been made aware that Mostafa claims I said I would “do exactly the same cell at ADX.” I would not have made that representation because it would have been impossible to exactly replicate the Springfield cell at the ADX, which is a completely different physical plant.

14. Regardless, there is no substantial difference between the cell at Springfield and that at ADX. The cell at Springfield had no revisions specifically designed for a person without

hands. Furthermore, cells 300 and 511 at the ADX are more spacious than the cell in which Mostafa was housed at Springfield, which had only 154 square feet of living space. *Compare* Attachments 1 and 2.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this May 26, 2021, in Florence, Colorado.

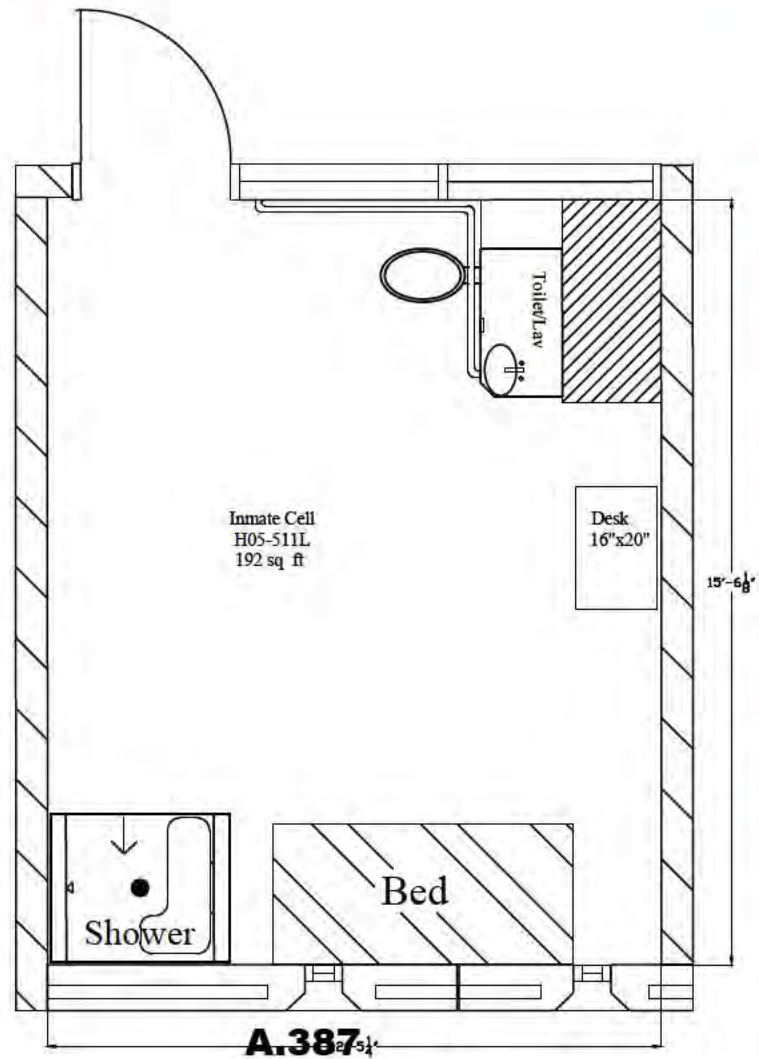
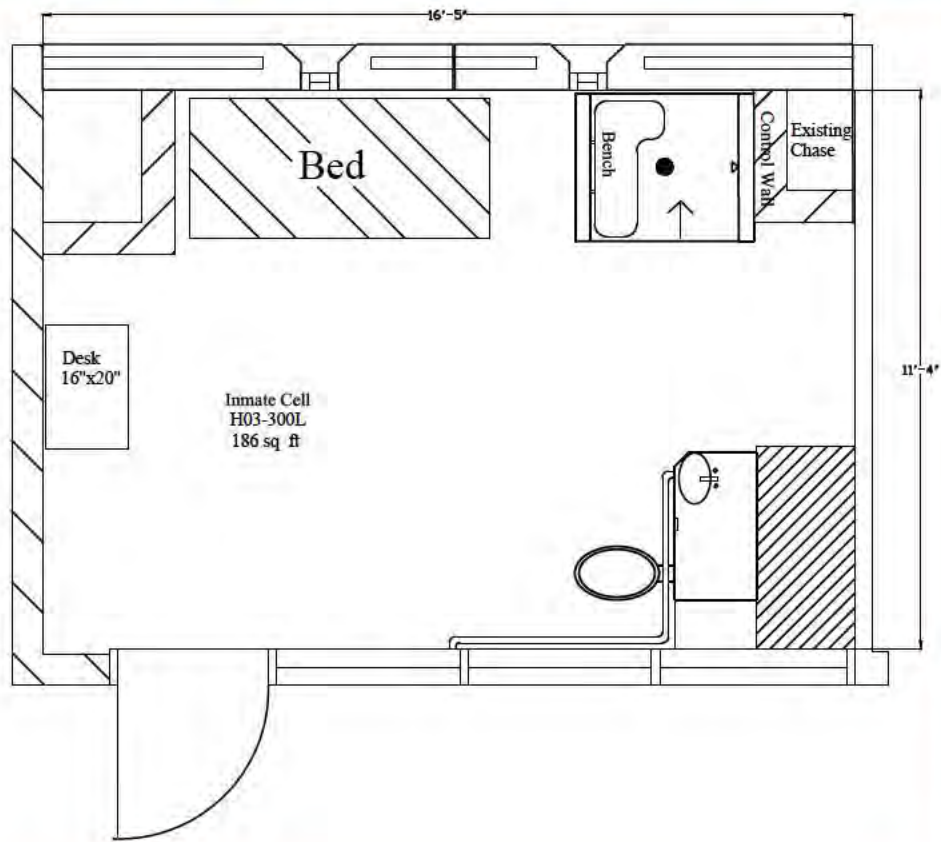
/s/ D. McMullen
D. McMullen
ADX Florence
Federal Bureau of Prisons

Attachments:

Attachment 1: Schematic, H Unit cells 300 and 511
Attachment 2: Schematic, FMC Springfield cell

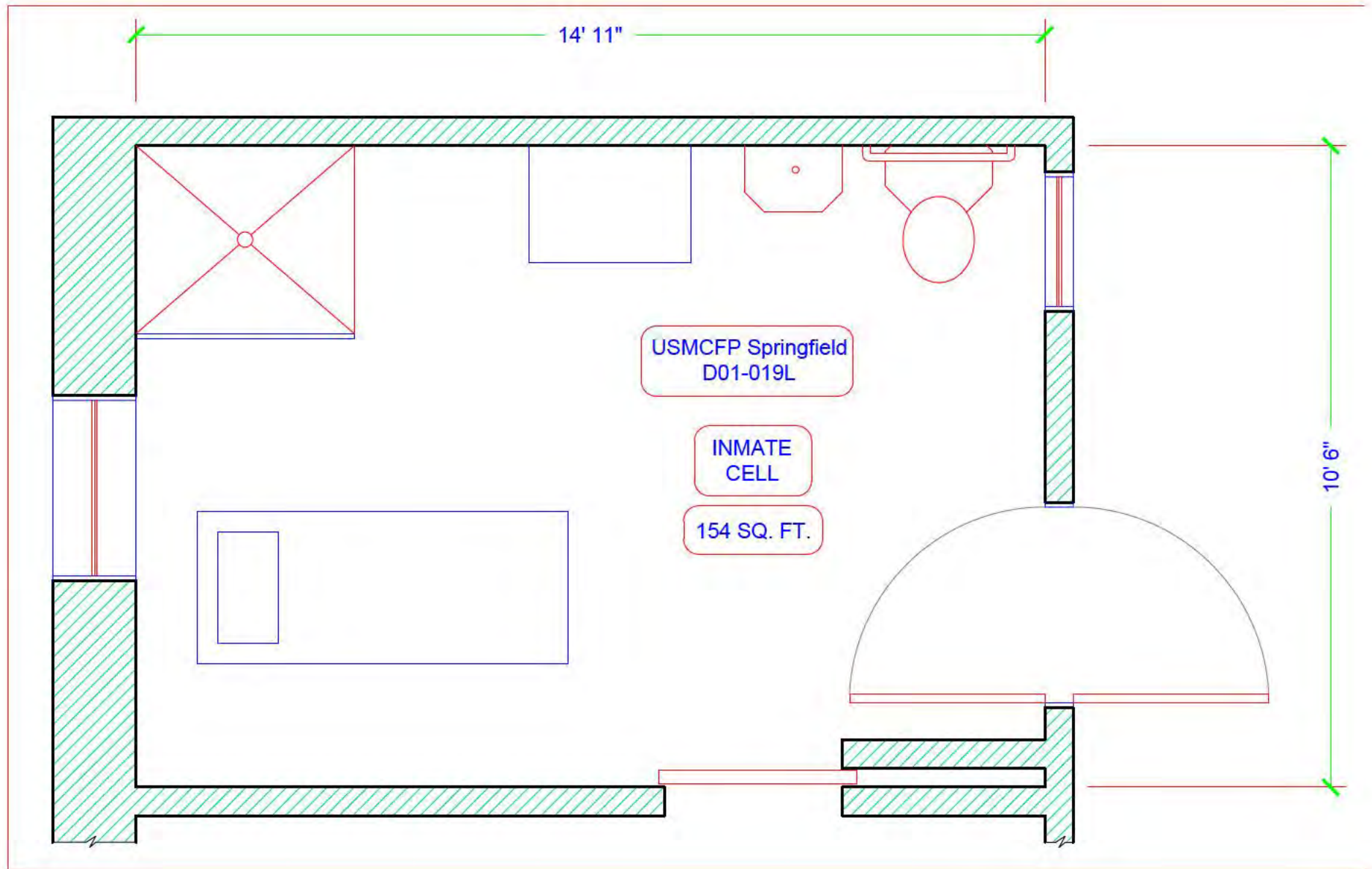
McMullen Declaration – Attachment 1

Mostafa v. Garland, et al.,
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McMullen Declaration – Attachment 2

Mostafa v. Garland, et al.,
No. 20-cv-00694-PAB-NYW (D. Colo.)



A.389

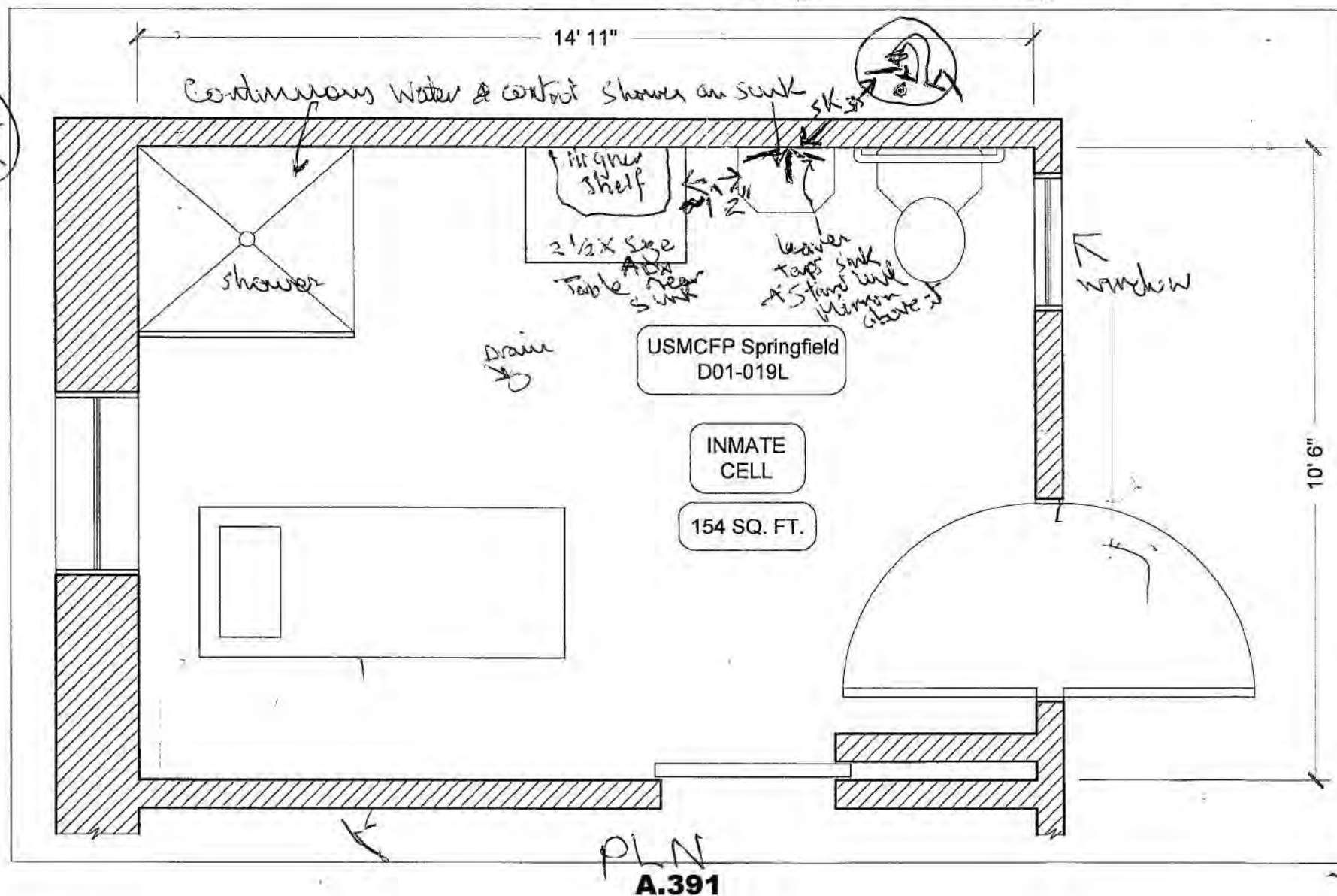
Ex. 15. Att. 02 $\frac{1}{4}$

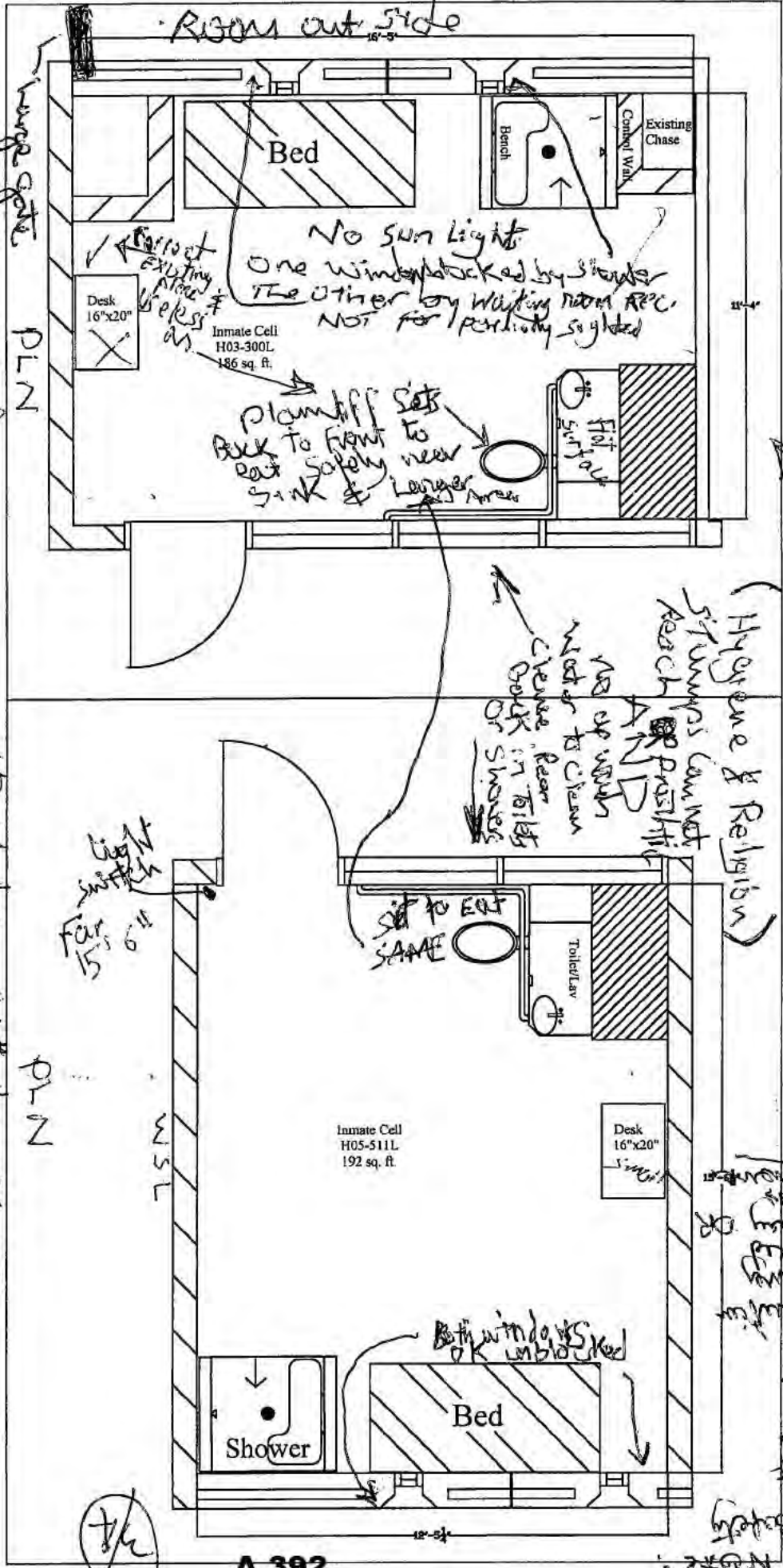
$\frac{230}{357}$

Cells Drawings, sketches
& Comments of illustrations

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Please, Note Still many missing fittings but for just temporary place still much safer than the opposite constructed ADX 300 and even 5:1 exclusively built for wheel chair





large open
PLN
find another upon floor
both having need well

NO shelves, cloth hanger or
chest level safety rack, no stop end for water
no stop end for pillows to fall only side shower
Also, see
shower sink, photo services
problems in other drawings/shelves

300 Built 2015
51 Built and 2017
(Hygiene & Religion)
Shelves cannot reach
NO shelves
set to front to rear
sink & toilet
shower
Toilet/Lav
Desk 16"x20"
Inmate Cell H05-311L 192 sq. ft.
Desk 16"x20"
Shower
Bed
Bed windows OK unblocked
Issues of safety
Please Note:

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of 326

Ex. 15. Alt. 2 $\left(\frac{4}{4}\right)$

BD = Three Dimensional
SK = Sketch
= Approximately

ELN
PLN
720

Estation
BLAN
CALL 700-7 ADP

MS = M^{all} Sub
MS^L = M^{all} Sub^L
MS^R = M^{all} Sub^R

Dotted lines = Δt is way ahead of Δt behind
 x front which = Δt



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13 of 20

See Ex. 04: (1, 2, b, 2, 3, C, d, e, F, 12, 9, v
(including List of visitors - example of remedy of
denial of receiving marriage (exhausted), stars
discussing about her form & approval, other
family forms such as Son Othman, Yasser,
Pltf to date, never had any visits since
his extradition 2012 & suffer psycholog-
ical painful stress & anxiety increasing by the
time. See also, Pltf request to legal Dept
to try to correct the situation and the
general meaningless reply brushing the
issue aside 1

Conclusion of Argument (A)

25- Many other facts show that the case
is ripe for non dismissal and ready
for some or all discovery as the
prima facie threshold has been established
by many undisputable facts and can only
be strengthened by the rest of discovery

26- It is also, not in public interest that Pltf
suffers more degenerative time & conditions or death
in a prolonged stay or after summary
dismissal without full discovery and expertise
to advise this respected Court

27- Also the deficiency of legal syntax, or need
cure Pltf arguments should be bordered on the imposed
and abusers of S.A.M. as they are the A to Z ^{Readers} of it, and
respectfully, should warrant an appointment of attorney to Pltf.
And deny the stay and ^{to} summary dismissal.